

On or About September 23, 2013, you put the following on your email "Sylvia Jones Automatic reply: Thank you for your email. I'm currently in the office. However, due to end of year budget and payroll close out I am unable to respond to emails. I will respond to all emails by the close of business Wednesday, September 25, 2013. Thank you, Sylvia". You also indicated to Gary Blumenthal, Chair, Audit and Finance Committee, that you would not be accepting telephone calls during this period.

As you are aware, there were several outstanding issues with our end-of-year budget that required coordination with Mr. Blumenthal. To attempt to cut off the communication used to resolve these issues was a blatant attempt to circumvent your duties and responsibilities. On September 24, 2013, Mr. Rosen provided you with a direct order to keep these lines of communications open and to respond appropriately. Since you were not reading your emails, Mr. Rosen had to have this direct order hand delivered to you on that same date.

Charge 2: Delay in Carrying Out Assignments

Specification:

You emailed Julie Carroll, Senior Policy Advisor, on August 27, 2013 stating that you would research whether she could have a telework agreement that included both regular and situational telework. You took no action to respond to her until I became involved in the issue, researched it and instructed you to move forward with processing the agreement in an email dated September 11, 2013. In failing to act timely, you caused the agency to be unable to utilize Ms. Carroll's services until the agreement was finally approved.

Charge 3: Misuse of Position

Specification:

On or about September 13, 2013, you contact William Haygood, President & CEO of Global Networks, to demand that he inform Nick Rushizky, Network Consultant, that he was to comply with the demands of a Freedom of Information Act (FOIA) request he was to receive shortly. You were the initiator of that FOIA request and it involved your employment with NCD. Your contacting Mr. Haygood was a misuse of your position as Director of Administration. There are official channels for processing FOIA requests and you are not involved in the process unless requested or directed to do so by appropriate authority. You were not requested or directed to involve yourself in this matter.

Discussion:

In proposing this action, I have considered that you have approximately 24 years of Federal service, and that your performance has been at least fully successful. I have also taken into account that you have no prior discipline.

Your misconduct mentioned above has been extremely disruptive to the mission of the organization. I have lost confidence in your ability to professional and appropriately carry out the functions of your duties. You have repeatedly failed to follow supervisory instructions, defying my authority as your supervisor. While I appreciate your desire to speak freely and communicate your opinions, your insolent behavior will no longer be tolerated. I consider your misconduct to be very serious.

Based on your misconduct, a 14 day suspension is the appropriate sanction to propose. Your behavior of intentionally not performing your duties is extremely serious and has a negative impact on the mission of the agency.

You will be allowed fifteen (15) calendar days from the date of your receipt of this letter to reply orally and/or in writing and to furnish affidavits and other documentary evidence in support of your reply. In making your reply, you will not be restricted to matters relating solely to the reasons for proposing this action, but you may plead extenuating circumstances, or make any other representation which you consider appropriate. Full consideration will be given to any reply you make before a decision is rendered.

Your written response and/or request to make an oral response must be addressed to the deciding official:

Jeff Rosen
Chairman NCD
Washington, D.C. 20407

If you wish to make an oral reply, please contact Mr. Rosen at (202) 708-6100 to schedule an appointment.

You have the right to be represented by an attorney or other representative of your choice. A representative employed by NCD may be disallowed if his or her activities as a representative would cause a conflict of interest or if the representative's release from his or her official position would give rise to unreasonable costs to the government, or if priority work assignments preclude his/her release from official duties.

If you have a representative, please designate your representative by name and address in a signed statement. That information should be forwarded to Mr. Rosen on or before the expiration date of provision of any reply.

Any request for an extension of time must be made in writing to Mr. Rosen and must state the amount of additional time desired and specific reasons(s) you feel that an extension should be granted.

A copy of the official records relied upon to support the reason for this proposed action is attached for your reference. Upon request to your supervisor, you and your

representative, if a NCD employee, will be granted up to a reasonable amount of official time to prepare your reply.

This is only a proposed action. No decision has been made or will be made until after the time allotted for you to respond and your response, if any, is considered. The decision will be based on the evidence of record to include careful consideration of any written and/or oral reply you make and any affidavits or other evidence you submit in support of your reply to this proposal. You will be notified of the decision in this matter, in writing, at the earliest practical date after the end of the fifteen (15) day reply period.

If you have any questions regarding your rights or the procedures involved in proposing this action, you may contact Lisa Gilmore, Employee Relations Specialist, Employee Relations Branch, Office of Human Resources Services, GSA, at 202-205-4929.

Acknowledgement

Sylvia Jones

Date

Your signature indicates that you have received the original of this memorandum.

Attachments:

Copy of Supporting Documentation (employee)

cc: Lisa Gilmore

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:Rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA \(lisa.gilmore@gsa.gov\)](mailto:lisa.gilmore@gsa.gov)
Date: 12/12/2013 12:21:34 PM
Subject: FW: SF-52s
Attachments: SKMBT_60013121113424.pdf
SKMBT_60013121113423.pdf
SKMBT_60013121113422.pdf
SKMBT_60013121113421.pdf

Rebecca Cokley
Executive Director
National Council on Disability
1331 F Street NW, Suite 850
Washington, DC 20004
202-272-2124 Voice
202-272-2074 TTY
202-272-2022 Fax
Rcokley@ncd.gov
Website: <http://www.ncd.gov>

From: Sylvia Jones
Sent: Thursday, December 12, 2013 11:20 AM
To: Rebecca Cokley
Cc: Sylvia Jones
Subject: FW: SF-52s

Rebecca,

These awards must be processed by GSA and due to my concerns over the improper administering of the performance appraisal system and the unfair awarding of performance awards to the Caucasian physically disabled staff only, I do not feel comfortable being involved in the process.

The GSA point of contact is Maurice Hubbard. It is also noted for the record that you did not submit paperwork to me on Anne Sommers.

Sylvia

From: Rebecca Cokley
Sent: Thursday, December 12, 2013 10:59 AM
To: Sylvia Jones
Subject: SF-52s

Mrs. Jones,

Sending back for processing. Thank you.

Rebecca Cokley
Executive Director
National Council on Disability
1331 F Street NW, Suite 850
Washington, DC 20004
202-272-2124 Voice
202-272-2074 TTY
202-272-2022 Fax
Rcokley@ncd.gov
Website: <http://www.ncd.gov>

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.2242 / Virus Database: 3658/6413 - Release Date: 12/12/13

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:Rcokley@ncd.gov)
To: [Sylvia Jones](#)
Date: 12/5/2013 3:01:10 PM
Subject: Hiring Process for Mr. (b) (6)

Mrs. Jones,

I'm directing you to make the completion of the hiring process of (b) (6) a top priority. Please connect with Ms. Sommers and call Mr. (b) (6) by COB today outlining the process going forward. If we need to make adjustments to his start date because of the process, then please do so.

Thank you.

Rebecca Cokley
Executive Director
National Council on Disability
1331 F Street NW, Suite 850
Washington, DC 20004
202-272-2124 Voice
202-272-2074 TTY
202-272-2022 Fax
Rcokley@ncd.gov
Website: <http://www.ncd.gov>

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:Rcokley@ncd.gov)
To: [David Allen](#)
[Lisa Brown-Gilmore - CPWA](#)
Date: 9/26/2013 3:26:50 PM
Subject: Fwd: Nick

(b) (5)

Rebecca

Sent from my iPhone

Begin forwarded message:

From: Robyn Powell <RPowell@ncd.gov>
Date: September 26, 2013 at 3:03:26 PM EDT
To: Rebecca Cokley <rcokley@ncd.gov>
Subject: Nick

Hi Rebecca,

(b) (5)

Robyn

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:Rebecca.Cokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](#)
Date: 10/31/2013 12:57:52 PM
Subject: Fwd: Temp Appt. Extension (3rd Request)

She is still refusing to answer me.

Sent from my iPhone

Begin forwarded message:

From: Sylvia Jones <sjones@ncd.gov>
Date: October 31, 2013 at 12:54:04 PM EDT
To: Rebecca Cokley <rcokley@ncd.gov>
Cc: Sylvia Jones <sjones@ncd.gov>
Subject: RE: Temp Appt. Extension (3rd Request)

Rebecca,

I do not plan to give any assignments to Ms. Bethea after November 1.

However I would like to note for the record that you did not challenge retaining Nick Rushizky, a white male despite performance issues and his lack of required credentials; nor did you inquire as to what day to day assignments he would be working on.

The request appears to more harassment and discrimination towards me which I will be report to the appropriate authorities and auditor's to demonstrate the level of discrimination and internal control issues within NCD.

Sylvia

From: Rebecca Cokley
Sent: Thursday, October 31, 2013 11:43 AM
To: Sylvia Jones
Subject: RE: Temp Appt. Extension (3rd Request)

Mrs. Jones,

Are you refusing to respond to my question regarding the assignments that you plan to give to Chandra? I would like to resolve this immediately. Thank you for your cooperation.

Rebecca

From: Sylvia Jones
Sent: Thursday, October 31, 2013 11:17 AM
To: Rebecca Cokley
Cc: Sylvia Jones
Subject: RE: Temp Appt. Extension (3rd Request)

Rebecca,

I'm very offended by your email. For the past few months I have either come to you or gone to Jeff regarding how rudely and abusive you and others speak to me in email and no action has been taken to date nor have you or Jeff addressed the issues. If you recall on September 30, in the presence of witnesses you rudely slammed the phone down in my ear which is documented.

Courtesy and professionalism goes both way. If I have been unprofessional or discourteous to you in email please provide me the date and time of the incident, the method of communication and supporting documentation to support the serious false allegation against me.

Your request to advise you what other assignments that I intend to give Chanda is discriminatory and retaliatory and you have never made such a request to the white managers and staff to include Nick Rushizky who has documented performance issues.

I'm a GS-15 Director who possess more experience and qualifications than anyone in the agency and I deserve to be treated with respect and equal to my white peers. If you do not want to keep Chanda due to your personal feelings against me, we will let her go and the work will not get accomplished and will be reported to the auditor's for yet another internal control/audit violation based on you and Jeff's decision and the high risk status that you have placed the agency in.

Have a good day!
Sylvia

From: Rebecca Cokley
Sent: Thursday, October 31, 2013 10:49 AM
To: Sylvia Jones
Subject: Re: Temp Appt. Extension (3rd Request)

Mrs. Jones,

In addition to answering and responding to telephone calls and inquiries from constituents, what other assignments do you intend to give Chanda? Also remember that I am expecting you to remain professional and courteous when responding to me, as your supervisor. Thank you.

Rebecca

Sent from my iPad

On Oct 31, 2013, at 8:46 AM, "Sylvia Jones" <sjones@ncd.gov> wrote:

Rebecca,

This is my 3rd documented request to you seeking a response on the extension for temp employee Chanda Bethea. You read the email that I sent to you yesterday at 9:14 a.m., however you did not respond back to me. As you know, Stacey Brown's 14-day suspension starts tomorrow and if Chanda Bethea is not extended it will further cripple my team as I will have no staff onboard which will affect work being done to include answering and responding to telephone calls and inquiries from constituents. It will also be another internal control/audit issue that I will have to report due to an inadequate level of staff resources. We are also approaching the holiday season and having Chanda on staff will be a needed support due staff

leave.

You and Jeff's recommendation to realign the Financial Analyst and Administrative Specialist positions (non-budget position) has severely impeded the work of office and placed the agency's internal controls in a high-risk status.

I would also like to note that you did not hesitate to keep Nick Rushizky, a white male on staff despite performance issues and his lack of required credentials. Chanda Bethea has been a great asset to team and as the Director of Administration I would like to keep her on staff until January 3, 2014.

Since this is my third request an immediate response is requested.

Sylvia

From: Rebecca Cokley
Sent: Wednesday, October 30, 2013 9:20 AM
To: Sylvia Jones
Subject: Read: FW: Temp Appt. Extension (2nd Request)

Your message

To: Rebecca Cokley
Subject: FW: Temp Appt. Extension (2nd Request)
Sent: Wednesday, October 30, 2013 9:14:09 AM (UTC-05:00) Eastern Time (US & Canada)

was read on Wednesday, October 30, 2013 9:20:55 AM (UTC-05:00) Eastern Time (US & Canada).

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:Rcokley@ncd.gov)
To: [Sylvia Jones](#)
Date: 10/25/2013 11:34:02 AM
Subject: response

Mrs. Jones:

On behalf of the National Council on Disability (NCD), I am responding to the two email messages which were sent to NCD Board Members from your husband, Charles F. Jones, on September 30, 2013 and again on October 21, 2013.

Both emails assert that your husband believes that the Council was racially profiling him by questioning his visit to the office and requesting the Federal Protective Service (FPS) to escort the two of you from the premises and continued harassment of you for filing claims against the Council for alleged illegal activity. The Council denies these and other assertions made by your husband in those emails.

We regret that your husband perceived our actions negatively because this was not our intent. Rather our intent was to ensure the safety of the staff and protection of government property. On September 30, 2013, I received reports from NCD staff members that an unknown gentleman was in your office for several hours behind closed doors. I was also informed that suspicious behavior was being conducted such as furniture moving and paper being torn or shredded. Since an unknown individual was in the private space of our office and not in a public area, staff members became concerned. Because of this concern from the staff, I called you to gain a better understanding of what was occurring in our private space on Federal property during official duty hours. During our telephone conversation, I explained to you that I had received reports from NCD employees stating that an unknown gentleman was in your office for several hours behind closed doors. I asked you who the gentleman was and what were you working on. You informed me that the gentleman in your office was your husband. You were very rude to me during the telephone call. When I asked you what you were working on you repeatedly refused to answer my question and told me that you did not have to respond to me because I was on leave. You informed me that you were going to lunch, I asked you to call me upon your return from lunch and you refused my instruction, for the same reason.

Based on your refusal to respond to my questions during our telephone conversation, and because it was very unclear as to what assignments you were working on and what your intentions were in regards to NCD property, I was advised to have security available should there be a need to escort you and/or your husband from the premises. This is not an unusual practice when there is concern about activities taking place in non-public areas of Federal space. Although family members do visit the office, there was concern because of the length of time that we were informed that Mr. Jones was present and the disruption to the business of the commission. NCD had no further alternative than to ensure the safety of the staff and the protection of government property.

I have repeatedly reminded you that as the Executive Director, I am your first level supervisor and Jeff Rosen, Chairperson, is your second level supervisor. You must respond to our instructions as appropriate.

Your failure to cooperate with me during our telephone conversation forced this situation to escalate to an unnecessary level. The entire situation would have been prevented had you responded to me appropriately. Further, in the future, do not allow your husband to move NCD furniture as he is not authorized to do so.

Rebecca Cokley

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:Rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](mailto:Lisa.Brown-Gilmore@cpwa.gov)
Date: 10/25/2013 9:56:08 AM
Subject: Re: A&F Meeting

no idea!

Sent from my iPad

On Oct 25, 2013, at 8:19 AM, "Lisa Brown-Gilmore - CPWA" <lisa.gilmore@gsa.gov> wrote:

Hi Rebecca,

Why is Gary sending this out?

Sent from my iPhone

Begin forwarded message:

From: Gary Blumenthal <GBlumenthal@ncd.gov>
Date: October 25, 2013, 7:34:19 AM EDT
To: Sylvia Jones <sjones@ncd.gov>
Cc: "Lisa Brown-Gilmore - CPWA, (lisa.gilmore@gsa.gov)" <lisa.gilmore@gsa.gov>, Jeff Rosen <jrosen@ncd.gov>, Rebecca Cokley <rcokley@ncd.gov>, Pam Holmes <PHolmes@ncd.gov>, Ari Neeman <ANeeman@ncd.gov>, Kamilah Martin-Proctor <KMartin-Proctor@ncd.gov>, "Lynnae Rutledge" <lrutledge@ncd.gov>, Stephanie Orlando <SOOrlando@ncd.gov>, "Clyde Terry" <CTerry@ncd.gov>
Subject: A&F Meeting

Sylvia,

Please prepare a memo for the A&F Committee detailing the allegations of fraud that have referenced previously in need of corrective action. Please indicate what corrective action needs to be executed. I would request receipt of this document by Wednesday, October 30, 2013. When I receive the memo, I will schedule a meeting with the A&F Committee to review, in which we would review these concerns with you.

Also by the end of today, I would renew my request for an update on reimbursement status for members, as well as payroll. I and others have not received reimbursements due, nor scheduled payroll payment due today.

Also, by the end of today, I request for the third time that you respond to my request for the contact information for NCD's auditors. In light of your failure to notify me of the first entrance meeting as you were directed, I would appreciate this information immediately.

Gary

Sent from my Verizon Wireless 4G LTE smartphone

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](#)
Date: 10/21/2013 8:12:26 AM
Subject: Re: Executive Committee meeting

(b) (6)

I'll call you later this morning once I get the pre-schooler off to school.

Rebecca

Sent from my iPad

On Oct 21, 2013, at 7:36 AM, "Lisa Brown-Gilmore - CPWA" <lisa.gilmore@gsa.gov> wrote:

Good Morning Rebecca,

What number should I call in for this Wed's 11:00 meeting?

On Fri, Oct 18, 2013 at 7:46 AM, Rebecca Cokley <rcokley@ncd.gov> wrote:

Lisa

are you free at 11 am eastern next Wednesday? The executive committee would like to invite you to join the first part of their next call.

Thanks.

Rebecca

Sent from my iPad

--

Lisa Gilmore
Human Resources Specialist (Employee Relations)
Washington Area Operations Center
Employee Relations Branch-CPWA
301 7th Street, S.W., Room 1022
Washington, DC 20407
202-205-4929 Desk
202-(b) (6) Mobile Phone
202-708-5377 fax



https://docs.google.com/a/gsa.gov/forms/d/1nhjCN6rnQLHds76fKF2MsLyLHchZpKL7e_LIZjNJlr0/viewform

From : [Rebecca Cokley <rcokley@ncd.gov>](mailto:Rebecca.Cokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](#)
Date: 11/15/2013 8:37:10 AM
Subject: Re: Anne Sommers SF 50s

We need to have 50s generated for the period that Anne was serving in the acting director role. I have all the emails from the former ed, Sylvia, Maurice, etc.

Rebecca

Sent from my iPhone

On Nov 15, 2013, at 7:34 AM, "Lisa Brown-Gilmore - CPWA" <lisa.gilmore@gsa.gov> wrote:

Hi Rebecca,

Please refresh my memory. Which 50's are we looking for again?

On Fri, Nov 15, 2013 at 7:13 AM, Rebecca Cokley <rcokley@ncd.gov> wrote:

Any update?

Rebecca

Sent from my iPhone

> On Nov 13, 2013, at 12:38 PM, "Lisa Brown-Gilmore - CPWA" <lisa.gilmore@gsa.gov> wrote:

>

> Yes his supervisor is Mike Williams I will contact Mike tomorrow

>

> Sent from my iPhone

>

>> On Nov 13, 2013, at 12:18 PM, Rebecca Cokley <rcokley@ncd.gov> wrote:

>>

>> Lisa

>>

>> When you're back in the office can I get an update on this?

>>

>> Rebecca

>>

>> Sent from my iPhone

--

Lisa Gilmore
Human Resources Specialist (Employee Relations)
Washington Area Operations Center
Employee Relations Branch-CPWA
301 7th Street, S.W., Room 1022
Washington, DC 20407
202-205-4929 Desk
202-(b) (6) Mobile Phone
202-708-5377 fax



https://docs.google.com/a/gsa.gov/forms/d/1nhjCN6rnQLHds76fKF2MsLyLHchZpKL7e_LIZjNJlr0/viewform

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](#)
Date: 11/6/2013 5:37:00 PM
Subject: Re: Temp Appt. Extension (3rd Request)

I sent it to her on the 1st but apparently Chanda has not been in at all this week.

Sent from my iPhone

On Oct 31, 2013, at 7:29 PM, "Lisa Brown-Gilmore - CPWA" <lisa.gilmore@gsa.gov> wrote:

(b) (5)

Sent from my iPhone

On Oct 31, 2013, at 12:58 PM, Rebecca Cokley <rcokley@ncd.gov> wrote:

She is still refusing to answer me.

Sent from my iPhone

Begin forwarded message:

From: Sylvia Jones <sjones@ncd.gov>
Date: October 31, 2013 at 12:54:04 PM EDT
To: Rebecca Cokley <rcokley@ncd.gov>
Cc: Sylvia Jones <sjones@ncd.gov>
Subject: RE: Temp Appt. Extension (3rd Request)

Rebecca,

I do not plan to give any assignments to Ms. Bethea after November 1.

However I would like to note for the record that you did not challenge retaining Nick Rushizky, a white male despite performance issues and his lack of required credentials; nor did you inquire as to what day to day assignments he would be working on.

The request appears to more harassment and discrimination towards me which I will be report to the appropriate authorities and auditor's to demonstrate the level of discrimination and internal control issues within NCD.

Sylvia

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To: Sylvia Jones
Subject: RE: Temp Appt. Extension (3rd Request)

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Rebecca

From: Sylvia Jones
Sent: Thursday, October 31, 2013 11:17 AM
To: Rebecca Cokley
Cc: Sylvia Jones
Subject: RE: Temp Appt. Extension (3rd Request)

Rebecca,

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Courtesy and professionalism goes both way. If I have been unprofessional or discourteous to you in email please provide me the date and time of the incident, the method of communication and supporting documentation to support the serious false allegation against me.

Your request to advise you what other assignments that I intend to give Chanda is discriminatory and retaliatory and you have never made such a request to the white managers and staff to include Nick Rushizky who has documented performance issues.

I'm a GS-15 Director who possess more experience and qualifications than anyone in the agency and I deserve to be treated with respect and equal to my white peers. If you do not want to keep Chanda due to your personal feelings against me, we will let her go and the work will not get accomplished and will be reported to the auditor's for yet another internal control/audit violation based on you and Jeff's decision and the high risk status that you have placed the agency in.

Have a good day!
Sylvia

From: Rebecca Cokley
Sent: Thursday, October 31, 2013 10:49 AM
To: Sylvia Jones
Subject: Re: Temp Appt. Extension (3rd Request)

Mrs. Jones,

In addition to answering and responding to telephone calls and inquiries from constituents, what other assignments do you intend to give Chanda? Also remember that I am expecting you to remain professional and courteous when responding to me, as your supervisor.

Thank you.

Rebecca

Sent from my iPad

On Oct 31, 2013, at 8:46 AM, "Sylvia Jones" <sjones@ncd.gov> wrote:

Rebecca,

This is my 3rd documented request to you seeking a response on the extension for temp employee Chanda Bethea. You read the email that I sent to you yesterday at 9:14 a.m., however you did not respond back to me. As you know, Stacey Brown's 14-day suspension starts tomorrow and if Chanda Bethea is not extended it will further cripple my team as I will have no staff onboard which will affect work being done to include answering and responding to telephone calls and inquiries from constituents. It will also be another internal control/audit issue that I will have to report due to an inadequate level of staff resources. We are also approaching the holiday season and having Chanda on staff will be a needed support due staff leave.

You and Jeff's recommendation to realign the Financial Analyst and Administrative Specialist positions (non-budget position) has severely impeded the work of office and placed the agency's internal controls in a high-risk status.

I would also like to note that you did not hesitate to keep Nick Rushizky, a white male on staff despite performance issues and his lack of required credentials. Chanda Bethea has been a great asset to team and as the Director of Administration I would like to keep her on staff until January 3, 2014.

Since this is my third request an immediate response is requested.

Sylvia

From: Rebecca Cokley
Sent: Wednesday, October 30, 2013 9:20 AM
To: Sylvia Jones
Subject: Read: FW: Temp Appt. Extension (2nd Request)

Your message

To: Rebecca Cokley
Subject: FW: Temp Appt. Extension (2nd Request)

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](#)
[David Allen](#)
Date: 9/26/2013 5:52:38 PM
Subject: performance plans

Hi all

(b) (5)

Rebecca

Sent from my iPad

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:rcokley@ncd.gov)
To: [Sylvia Jones](#)
Date: 9/26/2013 4:05:52 PM
Subject: laptop

Sylvia,
[REDACTED]

As your supervisor, I am directing you to make a laptop available for my use while I am physically away from the office. I am directing you to have the laptop available by [9/27/13](#). Failure to follow this direct order may result in disciplinary action, up to and including removal from the Federal service.

Rebecca
[REDACTED]

Sent from my iPad

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:rcokley@ncd.gov)
To: [David Allen](#)
[Lisa Brown-Gilmore - CPWA](#)
Date: 9/26/2013 3:42:02 PM
Subject: Laptop

I asked Nick to set me up with a laptop so I could access email from home without having to deal with the crappy online Microsoft login stuff. I was going to have My husband pick it up tomorrow.

Sylvia told nick I am not to have a laptop because I am on leave.

Please give me text to direct her to approve a laptop for me.

Rebecca

Sent from my iPhone

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:Rcokley@ncd.gov)
To: [David Allen - WPG-C](#)
Date: 9/18/2013 6:25:38 AM
Subject: Re: Admin issues

You and I are on the same page. I will talk to him this morning.

Rebecca

Sent from my iPhone

On Sep 18, 2013, at 6:16 AM, "David Allen - WPG-C" <david.allen@gsa.gov> wrote:

I think Jeff came out of the meeting with a different understanding than I did. Hopefully you agree with me.

First you and I were to work together on your plan to realign duties and positions

Next, I did not mean to take the financial management responsibilities entirely away from Sylvia. We were going to take the two people away and have them report to you. They would support Sylvia in her financial role, but could provide you with the information to avoid another situation such as the one that just occurred. (Could you send me a copy of Sylvia's PD and critical elements.)

I this was not your understanding, I apologize.

I am available to discuss this at your convenience.

----- Forwarded message -----

From: Jeff Rosen <jrosen@ncd.gov>
Date: Tue, Sep 17, 2013 at 7:38 PM
Subject: Admin issues
To: David Allen - WPG-C <david.allen@gsa.gov>, "Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov)" <lisa.gilmore@gsa.gov>
Cc: Rebecca Cokley <rcokley@ncd.gov>

Dave & Lisa -

Now that NCD has made a commitment to reassign its financial management from the Director of Administration to better handle NCD's needs in the aftermath of the \$200,000+ excess unspent FY '13 funds and the ongoing issues with payment of NCD's expenses, I want to work through a few issues.

Its likely that NCD like all other federal agencies will be on CR (or a sequestration) at the outset of FY '14. NCD will be making some expenditures in early October when it meets in Kansas on 10/7-8. Given the lack of timely support we receive from Sylvia on the necessary financial information, I'm very concerned that about the consequential risk to NCD by overspending its allocation and placing it in an anti-deficiency violation, which the ED must report to Congress by law.

As an immediate step to reduce NCD's exposure to risk, I suggest the Director of Administration's financial management duties to be reassigned to the ED effective upon NCD's Executive Committee approval. I suggest GSA's financial department take over any interim financial support needs under the supervision of the Chair of the Administration and Finance Committee during Rebecca's leave. Rebecca can hire the 2 new financial support positions upon her return.

Thank you for working up a plan to go into effect by the end of this month.

-Jeff

--

Dave Allen
Employee Relations Specialist
301 7th Street SW
Room 1619
Washington, DC 20407
David.Allen@GSA.gov
202-690-9475
FAX 202-205-2546 (Please call or email if faxing so that I can retrieve it)

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:Rcokley@ncd.gov)
To: [Kamilah Martin-Proctor](mailto:KMartin-Proctor@ncd.gov)
Date: 10/29/2013 10:04:50 PM
Subject: Re: NCD communications

KMP--

I think that's a smart idea.

RC

Sent from my iPad

On Oct 29, 2013, at 10:01 PM, "Kamilah Martin-Proctor" <KMartin-Proctor@ncd.gov> wrote:

Agreed - Let me draft maybe an QandA document that might help for example if you get an email regarding the situation you should do an A.

Sent from my Galaxy S®III

(b) (5)

(b) (5)

Sent from my Galaxy S®III

(b) (5)

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](#)
Date: 10/24/2013 12:08:00 PM
Subject: Re: Draft response to Jones ref. her husband emails.docx

It looks good to me. Should I go ahead and send?

(b) (5)

Rebecca

Sent from my iPad

On Oct 24, 2013, at 12:00 PM, "Lisa Brown-Gilmore - CPWA" <lisa.gilmore@gsa.gov> wrote:

(b) (5)

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:Rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA \(lisa.gilmore@gsa.gov\)](mailto:lisa.gilmore@gsa.gov)
Date: 12/31/2013 12:04:34 PM
Subject: FW: Hiring Process for (b) (6)

As a follow up to this, she refused to call him, and as a result of him not getting the answers he needed in a timely fashion, he turned down NCD's offer of employment and we have to start the entire process over again.

Rebecca Cokley
Executive Director
National Council on Disability
1331 F Street NW, Suite 850
Washington, DC 20004
202-272-2124 Voice
202-272-2074 TTY
202-272-2022 Fax
Rcokley@ncd.gov
Website: <http://www.ncd.gov>

From: Rebecca Cokley
Sent: Thursday, December 05, 2013 2:01 PM
To: Sylvia Jones
Subject: Hiring Process for (b) (6)

Mrs. Jones,
I'm directing you to make the completion of the hiring process of (b) (6) a top priority. Please connect with Ms. Sommers and call (b) (6) by COB today outlining the process going forward. If we need to make adjustments to his start date because of the process, then please do so.
Thank you.

Rebecca Cokley
Executive Director
National Council on Disability
1331 F Street NW, Suite 850
Washington, DC 20004
202-272-2124 Voice
202-272-2074 TTY
202-272-2022 Fax
Rcokley@ncd.gov
Website: <http://www.ncd.gov>

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:Rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](#)
Date: 12/3/2013 1:31:16 PM
Subject: RE: FW: FW: Administation and Audit Meeting Minutes

(b) (5)

Rebecca Cokley
Executive Director
National Council on Disability
1331 F Street NW, Suite 850
Washington, DC 20004
202-272-2124 Voice
202-272-2074 TTY
202-272-2022 Fax
Rcokley@ncd.gov
Website: <http://www.ncd.gov>

From: Lisa Brown-Gilmore - CPWA [mailto:lisa.gilmore@gsa.gov]
Sent: Tuesday, December 03, 2013 12:29 PM
To: Rebecca Cokley
Subject: Re: FW: FW: Administation and Audit Meeting Minutes

(b) (5)

On Tue, Dec 3, 2013 at 12:19 PM, Rebecca Cokley <rcokley@ncd.gov> wrote:
Help.

Rebecca Cokley
Executive Director
National Council on Disability
1331 F Street NW, Suite 850
Washington, DC 20004
[202-272-2124](tel:202-272-2124) Voice
[202-272-2074](tel:202-272-2074) TTY
[202-272-2022](tel:202-272-2022) Fax
Rcokley@ncd.gov
Website: <http://www.ncd.gov>

From: jonathan.kuniholm@gmail.com [mailto:jonathan.kuniholm@gmail.com] **On Behalf Of** Jonathan Kuniholm
Sent: Tuesday, December 03, 2013 12:09 PM
To: Sylvia Jones; Rebecca Cokley
Cc: Kamilah Martin-Proctor; Pam Holmes; Ari Neeman; Lynnae Rutledge; Jeff Rosen; Robyn Powell
Subject: Re: FW: Administation and Audit Meeting Minutes

Rebecca
Please clarify what, if any, responsibilities Ms. Jones retains that fall under the oversight of this committee.

Thanks,
Jon

Dear Audit and Finance Committee,

The purpose of this email is notify you that it was brought to my attention on yesterday that Rebecca Cokley and Jeff Rosen removed me as the point of contact for NCD's 2013 Audit and made a request of the Auditor's to cease contact with me. This information was not communicated to me by the Executive Director **or** the Audit and Finance Chair.

I was also made aware that on November 20, 2013 NCD management to include the former Audit and Finance Chair Gary Blumenthal met with Auditors and excluded me from the meeting as the Director of Administration despite my position playing a key role in the audit process.

It is my belief that both acts were intentional acts of retaliation to influence the outcome of the audit due to protected disclosures that I've made to government officials under the Whistleblower Protection Enhancement Act of 2012. This email is also a note for the record to document that I have informed the appropriate agency officials of both incidents.

Thank you,

Sylvia

From: Sylvia Jones
Sent: Monday, December 2, 2013 4:56 PM
To: Rebecca Cokley
Cc: Sylvia Jones
Subject: RE: Administration and Audit Meeting Minutes

Rebecca,

It was brought to my attention this afternoon that you and Jeff Rosen removed me as the audit point of contact and requested the auditor's to cease contact with me. Can you please advise me under what authority you used to remove me from the audit process as the Director of Administration. My position has a key role in the process and this act is alarming.

You also neglected to inform me of this action which demonstrates more retaliation for protected disclosures as a whistleblower and I will be reporting this action to the appropriate authorities. I'm also still awaiting a copy of the minutes.

Sylvia

From: Sylvia Jones

Sent: Monday, December 2, 2013 9:17 AM
To: Rebecca Cokley; Jonathan Kuniholm
Cc: Sylvia Jones
Subject: Administation and Audit Meeting Minutes

Rebecca/Jon,

It has come to my attention that Gary Blumenthal traveled to DC for an administration and audit meeting on November 20. As Director of Administration I was not invited to this meeting and would like a copy of the meeting minutes and Gary's travel approval.

In the meantime could please advise me the purpose of the meeting, the location and the name of the attendees.

Sylvia

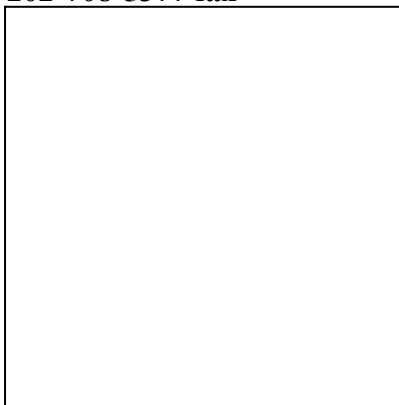
No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.2242 / Virus Database: 3629/6376 - Release Date: 11/28/13

--

Lisa Gilmore
Human Resources Specialist (Employee Relations)
Washington Area Operations Center
Employee Relations Branch-CPWA
301 7th Street, S.W., Room 1022
Washington, DC 20407
202-205-4929 Desk
202-(b) (6) Mobile Phone
202-708-5377 fax



https://docs.google.com/a/gsa.gov/forms/d/1nhjCN6rnQLHds76fKF2MsLyLHchZpKL7e_LIZjNJr0/viewform

No virus found in this message.

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:rcokley@ncd.gov)
To: [Jeff Rosen](#)
Date: 9/30/2013 1:10:36 PM
Subject: Re: Sylvia's Husband

Just got a call from staff...they're seriously getting shook up by everything. Ms. Jones has gone into the offices of both Nick and Anne and accused them of calling me to let me know about her husband being there and is apparently loudly talking about hostile environment, the fact that she's being treated disparately, etc....

RC

Sent from my iPad

On Sep 30, 2013, at 1:07 PM, "Jeff Rosen" <jrosen@ncd.gov> wrote:

Thanks for the follow up Rebecca.

(b) (5)

(b) (5)

(b) (5)

From: Rebecca Cokley
Sent: Monday, September 30, 2013 12:30 PM
To: Jeff Rosen
Cc: Lisa Brown-Gilmore - CPWA; David Allen
Subject: Re: Sylvia's Husband

Jeff

to recap: I spoke with Sylvia at 12:15 and after putting me on speakerphone she confirmed that the individual in her office was her husband, and she refused repeatedly to tell me what she was working on, citing that I was on leave and not in a position to ask her. I asked her to call me back after she goes on lunch with her husband and she repeatedly refused, telling me that she didn't need to call me back because I was on leave.

1-877-437-7411 is the number for the Federal Protective Service

RC

Sent from my iPad

On Sep 30, 2013, at 12:24 PM, "Jeff Rosen" <jrosen@ncd.gov> wrote:

I checked with some interpreters and no one is available this afternoon.

I'm continuing to look around. Please keep me posted about any developments in the meantime.

(b) (5)

(b) (5)

On Mon, Sep 30, 2013 at 11:34 AM, Rebecca Cokley <rcokley@ncd.gov> wrote:

Lisa

I've been contacted by 3 staff about this today. What can we do?

RC

Sent from my iPhone

Begin forwarded message:

From: Robyn Powell <RPowell@ncd.gov>
Date: September 30, 2013 at 11:23:13 AM EDT
To: Jeff Rosen <jrosen@ncd.gov>, Rebecca Cokley <rcokley@ncd.gov>
Subject: Sylvia's Husband

Hi Jeff and Rebecca,

Staff have informed me that a man (assumedly Sylvia's husband) has been in Sylvia's office for several hours with her and that they have overheard what sounds like papers being ripped. I wanted to let you know, as this seems inappropriate.

Thanks,
Robyn

--

Lisa Gilmore
Human Resources Specialist (Employee Relations)
Washington Area Operations Center
Employee Relations Branch-CPWA
301 7th Street, S.W., Room 1022
Washington, DC 20407
202-205-4929 Desk
202-(b) (6) Mobile Phone
[202-708-5377](tel:202-708-5377) fax



https://docs.google.com/a/gsa.gov/forms/d/1nhjCN6rnQLHds76fKF2MsLyLHchZpKL7e_LIZjNJlr0/viewform

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](#)
Date: 10/22/2013 1:05:10 PM
Subject: Fwd: end of year procurement

Lisa

(b) (5)

Thanks

Becca

Sent from my iPad

Begin forwarded message:

From: Gary Blumenthal <GBlumenthal@ncd.gov>
Date: October 22, 2013, 1:03:30 PM EDT
To: Anne Sommers <ASommers@ncd.gov>, Rebecca Cokley <rcokley@ncd.gov>
Subject: RE: end of year procurement
Reply-To: Gary Blumenthal <GBlumenthal@ncd.gov>

Sent from my Verizon Wireless 4G LTE smartphone Sophia was in charge of processing the the end of your statements please ask sylvia this question

----- Original message -----

From: Anne Sommers <ASommers@ncd.gov>
Date: 10/22/2013 12:42 PM (GMT-05:00)
To: Rebecca Cokley <rcokley@ncd.gov>, Gary Blumenthal <GBlumenthal@ncd.gov>
Subject: end of year procurement

Hi Gary and Rebecca:

Can you please tell me what the status of the public affairs end-of-year procurements is? Lawrence received the PC-version of Avid (video editing software) today from Nick but without the other items requested, it's of little utility (digital camera, audio software and hardware, training, etc.).

Any information on this front would be great. Thanks.

Anne

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](#)
Date: 11/13/2013 7:50:50 AM
Subject: FW: travel arrangements for the Council

sending you this in the context of another situation we've run into. I'll follow up with an additional forward and then could use your guidance. _____ From: Sylvia Jones Sent: Wednesday, October 30, 2013 8:35 AM To: Rebecca Cokley Cc: Sylvia Jones Subject: RE: travel arrangements for the Council Rebecca, As you are aware the Administrative Specialist, GS-09 position is responsible for coordinating, arranging and scheduling travel requests, reserve airline flights, hotel and car rental for staff and members. Per you and Jeff's recommendation to the EC this position was realigned under you for supervision which makes you responsible. As a courtesy to the board, I will take care of this arrangement to include Chester and John's hotel but will not be able to take on additional requests as it is an internal control violation (segregation of duties) and is burdensome to me performing my assigned duties. Please forward me a list of attendees for this meeting. It's up to you as to when members can start making flight arrangements. Sylvia _____ From: Rebecca Cokley Sent: Wednesday, October 30, 2013 8:06 AM To: Sylvia Jones Subject: travel arrangements for the Council Mrs. Jones The Council meeting in Kansas has been rescheduled for December 4-5. Travel dates should be the 3rd and the 6th. Some members will be leaving on the 5th, others will staying for the CMS forum we're hosting on the afternoon of the 5th, and will necessitate flying out on the 6th. Please reach out to the hotel and let me know once members are able to start making flight arrangements. Thank you. Rebecca Sent from my iPad

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](#)
Date: 11/6/2013 5:44:42 PM
Subject: Re: Temp Appt. Extension (3rd Request)

I'll try and find her info but I do not think I have it.

Rebecca

Sent from my iPhone

On Nov 6, 2013, at 4:40 PM, "Lisa Brown-Gilmore - CPWA" <lisa.gilmore@gsa.gov> wrote:

Can you reach out to Chanda

Sent from my iPhone

On Nov 6, 2013, at 4:37 PM, Rebecca Cokley <rcokley@ncd.gov> wrote:

I sent it to her on the 1st but apparently Chanda has not been in at all this week.

Sent from my iPhone

On Oct 31, 2013, at 7:29 PM, "Lisa Brown-Gilmore - CPWA" <lisa.gilmore@gsa.gov> wrote:



Sent from my iPhone

On Oct 31, 2013, at 12:58 PM, Rebecca Cokley <rcokley@ncd.gov> wrote:

She is still refusing to answer me.

Sent from my iPhone

Begin forwarded message:

From: Sylvia Jones <sjones@ncd.gov>
Date: October 31, 2013 at 12:54:04 PM EDT

To: Rebecca Cokley <rcokley@ncd.gov>
Cc: Sylvia Jones <sjones@ncd.gov>
Subject: RE: Temp Appt. Extension (3rd Request)

Rebecca,

I do not plan to give any assignments to Ms. Bethea after November 1.

However I would like to note for the record that you did not challenge retaining Nick Rushizky, a white male despite performance issues and his lack of required credentials; nor did you inquire as to what day to day assignments he would be working on.

The request appears to more harassment and discrimination towards me which I will be report to the appropriate authorities and auditor's to demonstrate the level of discrimination and internal control issues within NCD.

Sylvia

From: Rebecca Cokley
Sent: Thursday, October 31, 2013 11:43 AM
To: Sylvia Jones
Subject: RE: Temp Appt. Extension (3rd Request)

Mrs. Jones,

Are you refusing to respond to my question regarding the assignments that you plan to give to Chandra? I would like to resolve this immediately. Thank you for your cooperation.

Rebecca

From: Sylvia Jones
Sent: Thursday, October 31, 2013 11:17 AM
To: Rebecca Cokley
Cc: Sylvia Jones
Subject: RE: Temp Appt. Extension (3rd Request)

Rebecca,

I'm very offended by your email. For the past few months I have either come to you or gone to Jeff regarding how rudely and abusive you and others speak to me in email and no action has been taken to date nor have you or Jeff addressed the issues. If you recall on September 30, in the presence of witnesses you rudely slammed the phone down in my ear which is documented.

Courtesy and professionalism goes both way. If I have been unprofessional or discourteous to you in email please provide me the date and time of the incident, the method of communication and supporting documentation to support the serious false allegation against me.

Your request to advise you what other assignments that I intend to give Chanda is discriminatory and retaliatory and you have never made such a request to the white managers and staff to include Nick Rushizky who has documented performance issues.

I'm a GS-15 Director who possess more experience and qualifications than anyone in the agency and I deserve to be treated with respect and equal to my white peers. If you do not want to keep Chanda due to your personal feelings against me, we will let her go and the work will not get accomplished and will be reported to the auditor's for yet another internal control/audit violation based on you and Jeff's decision and the high risk status that you have placed the agency in.

Have a good day!
Sylvia

From: Rebecca Cokley
Sent: Thursday, October 31, 2013 10:49 AM
To: Sylvia Jones
Subject: Re: Temp Appt. Extension (3rd Request)

Mrs. Jones,

In addition to answering and responding to telephone calls and inquiries from constituents, what other assignments do you intend to give Chanda? Also remember that I am expecting you to remain professional and courteous when responding to me, as your supervisor. Thank you.

Rebecca

Sent from my iPad

On Oct 31, 2013, at 8:46 AM, "Sylvia Jones" <sjones@ncd.gov> wrote:

Rebecca,

This is my 3rd documented request to you seeking a response on the extension for temp employee Chanda Bethea. You read the email that I sent to you yesterday at 9:14 a.m., however you did not respond back to me. As you know, Stacey Brown's 14-day suspension starts tomorrow and if Chanda Bethea is not extended it will further cripple my team as I will have no staff onboard which will affect work being done to include answering and responding to telephone calls and inquires from constituents. It will also be another internal control/audit issue that I will have to report due to an inadequate level of staff resources. We are also approaching the holiday season and having Chanda on staff will be a needed support due staff leave.

You and Jeff's recommendation to realign the Financial Analyst and Administrative Specialist positions (non-budget position) has severely impeded the work of office and placed the agency's internal controls in a high-risk status.

I would also like to note that you did not hesitate to keep Nick Rushizky, a white male on staff despite performance issues and his lack of required credentials. Chanda Bethea has been a great asset to team and as the Director of Administration I would like to keep her on staff until January 3, 2014.

Since this is my third request an immediate response is requested.

Sylvia

From: Rebecca Cokley
Sent: Wednesday, October 30, 2013 9:20 AM
To: Sylvia Jones
Subject: Read: FW: Temp Appt. Extension (2nd Request)

Your message

To: Rebecca Cokley
Subject: FW: Temp Appt. Extension (2nd Request)
Sent: Wednesday, October 30, 2013 9:14:09 AM (UTC-05:00) Eastern Time (US & Canada)

was read on Wednesday, October 30, 2013 9:20:55 AM (UTC-05:00) Eastern Time (US & Canada).

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](#)
Date: 9/30/2013 9:53:40 PM
Subject: From Sylvia's husband

To all council members minus Jeff and Gary.

RC

Sent from my iPhone

Begin forwarded message:

From: Rebecca <rebecca.cokley@gmail.com>
Date: September 30, 2013 at 9:52:19 PM EDT
To: "rcokley@ncd.gov" <rcokley@ncd.gov>
Subject: Fwd:

Sent from my iPhone

Begin forwarded message:

From: Gary Blumenthal <garyblumenthal@addp.org>
Date: September 30, 2013 at 9:50:36 PM EDT
To: rebecca.Cokley@gmail.com
Subject: Fwd:

----- Forwarded message -----

From: Gary Blumenthal <garyblumenthal@addp.org>
Date: Mon, Sep 30, 2013 at 9:38 PM
Subject:
To: Anne Sommers <ASommers@ncd.gov>, Jeff Rosen <jrosen@ncd.gov>

From: Sara Gelser
Sent: Monday, September 30, 2013 8:49 PM
To: Anne Sommers; Gary Blumenthal; Jeff Rosen; jeff_rosen@comcast.net
Subject: FW: Racial Profiling at NCD

FYI. More information would be appreciated.

From: (b) (6)

Sent: Monday, September 30, 2013 4:36 PM

To: Lynnae Ruttledge; krpocormartin@ncd.gov; Chester A. Finn; Sara Gelser; Jonathan Kuniholm; Matan Koch; Janice Lehrer-Stein; Ari Neeman; Stephanie Orlando; Clyde Terry; ftorresgil@ncd.gov; Alice Wong; Pam Holmes

Cc: charles jones

Subject: Racial Profiling at NCD

Dear NCD Members,

This is (b) (6) and spouse of NCD Employee Sylvia Jones (Menifee). I came to DC today to have brunch with my wife and while waiting for her she received a harassing phone call from Rebecca Cokley while she is out on maternity leave wanting to know who the gentlemen was in my wife's office. This was really startling because it gave the impression that my wife was not allowed to have visitors. Shortly after the call my wife spoke with all staff to find out who called Rebecca Cokley; everyone denied calling Rebecca even though Anne Sommers later admitted questioning staff as to who the person was in my wife's office.

I am very familiar with everyone who was at work today as I have had an opportunity to spend time with each of them in the past, to include the former Chair Jonathan who was very professional and pleasant and I could never image him stooping to such a low level. I even had the opportunity to push Lawrence around the White House grounds in a wheelchair at the White House Garden Tour last year. The only staff member that I was not familiar with was Anne Sommers.

After my wife and I returned from lunch, she was unable to consume her lunch due to the harassing call from Rebecca Cokley. While sitting in my wife's office about to leave for the day because she was very busy with work, before I could rise to my feet two armed Federal Protective Service (FPS) officers accompanied by a man that I now know to be Jeff Rosen, Chair of the NCD. After communications with Jeff Rosen and FPS Officers we learned that it was reported to Rebecca Cokley that there was suspicious activity taking place in my wife's office. I believed that I was racially profiled by Anne Sommers and along with Rebecca Cokley and Jeff Rosen they plotted a scheme to have my wife and I removed from the premises by armed officers. This incident was very troubling and humiliating and I find it hard to believe that a Chair of an agency appointed by the President of the United States would conduct himself in such as manner.

My wife frequently complains of being daily threatened and harassed on the job. Today I witnessed the acts for myself. I strongly believe the acts today was a ploy to remove my wife from the office and possibly attempt to fire her because she was unwilling to carry out illegal activity due to the bribes and threats from Jeff Rosen, Rebecca Cokley and Gary Blumenthal.

As a disabled citizen and veteran I expect the Council to take immediate action to remedy this wrong as Presidential appointees in a public trust position. This document is also to serve as notice so that no member of the council can state they were unaware of the gross misconduct, racial profiling and discrimination within your agency. During my wife's tenure at NCD the FPS has never been called simply because a spouse came to take a staff

member who is employee to lunch. I would also like the threats and harassment against my wife to stop as I'm aware that she tried to report acts of misconduct in the past and the entire council of Presidential Appointees merely looked the other way.

I expect immediate resolve to this matter and a formal apology from the Council (not Jeff Rosen) to my wife and I. Per public records I am aware that Jeff Rosen has a criminal background to include a history of alcohol abuse, probation and rehab and I am really disturbed that such a person was appointed to such a visible position.

In closing I expect a response within 24hours because I will not rest until the appropriate action is taken to address what happened to my wife and I today. Based on your mission, NCD is supposed to act on behalf of individuals with disabilities and their families (which include my wife and I), not to threatened, harass and racial profile. My civil rights were violated today due my race and I was treated like a common criminal based on a racial profile from Anne Sommers.

If you need to speak with me I can be reached at (b) (6) or by email which listed on this email.

Sincerely,

(b) (6)

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:Rebecca.Cokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](mailto:Lisa.Brown-Gilmore@CPWA)
Date: 12/16/2013 8:18:30 AM
Subject: Fwd: NCD Financial Systems Walkthrough

Wow. Thoughts?

Sent from my iPhone

Begin forwarded message:

From: Sylvia Jones <sjones@ncd.gov>
Date: December 16, 2013 at 6:56:28 AM EST
To: Victor Ahuchogu <Victor.Ahuchogu@RegisCPA.com>
Cc: Rebecca Cokley <rcokley@ncd.gov>, Claude Etinoff <Claude.Etinoff@RegisCPA.com>, Peter Regis <Peter.Regis@RegisCPA.com>, Sylvia Jones <sjones@ncd.gov>, Thomas Clark - CB <thomas.clark@gsa.gov>
Subject: RE: NCD Financial Systems Walkthrough

Good Morning Victor,

The Executive Director, Rebecca Cokley manage and supervise the NCD Financial System and is the audit point of contact, therefore the proper meeting request should have been submitted to her. During our conversation on Friday, December 13 I inquired if you had sent a request to Rebecca Cokley and you stated "no, but admitted that you had met with two staff members; a part-time contractor serving as financial analyst who has been with the agency less than 30-days and Chris Michels." You were unable to obtain information from these individuals therefore per your statement the "Council stated I was no longer off limits."

Please note that Chris Michels is not an NCD staff member and has not been under a service contract since September 30, 2013. However, he is the developer and expert of the NCD Financial Database. Based on my conversation with you and Claude, it appears that Mr. Michels may have provided misleading information to you which I assume is the reason you reached out to me for assistance. Had Mr. Michels provided you the assistance you requested, as the Director of Administration I would not have been made aware of another private meeting with Auditor's. It is noted for the record that Auditor's took time to meet with non-essential personnel and continue to exclude me as the Director of Administration which is troubling.

On December 2, 2013 I was made aware that NCD management and Auditors had a private meeting on November 20 and excluded me as the Director of Administration and during this meeting, Auditor's were advised to cease contact with me. However, per our conversation on Friday, I was advised that "NCD Council now states that I am no longer off limits" which is very suspect.

I have been excluded from key audit meetings discussing internal control issues and without notice I was removed as the audit point of contact with auditor's being told to cease contact with me. In addition, critical information regarding the audit has been intentionally withheld from me due to my protected disclosures as a whistleblower.

The audit is supposed to be direct, above board and controlled by Auditor's. Agency officials should have no authority to dictate the process which frustrates the integrity of the audit.

Please be advised that due to the nature of this audit, I reported irregularities and deficiencies in this process to GAO Fraudnet. Therefore due to the lack of integrity, transparency, the agency's ability to control and dictate the audit process, and my protected disclosures I am unable to meet with you.

Claude - I still have not received the minutes from the November 20 meeting you stated you would send on Friday.

Thank you,
Sylvia

From: Victor Ahuchogu <Victor.Ahuchogu@RegisCPA.com>
Sent: Friday, December 13, 2013 3:38 PM
To: Sylvia Jones
Cc: Rebecca Cokley; Claude Etinoff; Peter Regis
Subject: NCD Financial Systems Walkthrough

Hello Sylvia,

We are conducting a process walkthrough of NCD's Internal Controls and Financial Systems, pursuant to the FY 2013 Financial Statements audit. Please confirm if you will be available to meet with us on Monday, December 16, 2013, at 11:00AM at NCD's headquarters office.

Thank you,

Victor Ahuchogu, CPA
Regis & Associates, PC
1400 Eye Street, NW
Washington, DC 20005
victor.ahuchogu@regiscpa.com
(202) 296-7101 (Tel) ext. 232
(202) 296-7284 (Fax)

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](#)
Date: 12/12/2013 8:50:20 AM
Subject: Re: Post Employment Ethics Letter

(b) (5)

Rebecca

Sent from my iPhone

On Dec 12, 2013, at 7:47 AM, "Lisa Brown-Gilmore - CPWA" <lisa.gilmore@gsa.gov> wrote:

Rebecca,

(b) (5)

On Wed, Dec 11, 2013 at 6:04 PM, Rebecca Cokley <rcokley@ncd.gov> wrote:
Getting to my wits send today.

Sent from my iPhone

Begin forwarded message:

From: Sylvia Jones <sjones@ncd.gov>
Date: December 11, 2013 at 6:01:29 PM EST
To: Rebecca Cokley <rcokley@ncd.gov>
Cc: Robyn Powell <RPowell@ncd.gov>, Sylvia Jones <sjones@ncd.gov>
Subject: RE: Post Employment Ethics Letter

Rebecca,

Your directive is unclear and requires clarification.

As you are aware agency ethics responsibilities fall under Policy Director Joan Durocher (Caucasian physically disabled female) and in her absence as Acting Policy Director Robyn Powell (Caucasian physically disabled female) is responsible. Are you directing me to perform Robyn Powell's duties? Is there a reason why she is not being held accountable for performance of her own work?

You stated that "although our Administrative Policy & Procedures manual does not require such a letter, moving forward NCD will comply." However on November 27,

2013 you sent me an email contradicting your statement saying "there should be a copy of a post-employment letter in the file of Lisa Grubb that was given to her before she left the Agency."

It appears that you continue to assign duties to me that belong to the physically disabled Caucasian staff, which has become a demonstrated intentional pattern of discrimination; and your communication to me appears hostile and uncivil.

When you communicate with me you start the aggressive statement "I direct you." I would like to know if this is how you communicate with the caucasian physically disabled director's. If find your tone with me very offensive and demeaning. You speak to me as if I'm beneath you and other Caucausion physically disabled staff.

In closing, please clarify if you are directing me as a GS-15 to perform the duties of Robyn Powell a GS-13 physically disabled female.

Sylvia

From: Rebecca Cokley
Sent: Wednesday, December 11, 2013 4:18 PM
To: Sylvia Jones
Cc: Robyn Powell
Subject: RE: Post Employment Ethics Letter

Mrs. Jones,

It is my understanding GSA HR assisted the former ED to develop a post-employment ethics letter. Although our Administrative Policy & Procedures manual does not require such a letter, moving forward NCD will comply. In order to accomplish this task, I am directing you to work with GSA HR, to draft a new and updated post-employment ethics letter. Thank you for your cooperation.

Rebecca Cokley

Executive Director

National Council on Disability

1331 F Street NW, Suite 850

Washington, DC 20004

[202-272-2124](tel:202-272-2124) Voice

[202-272-2074](tel:202-272-2074) TTY

[202-272-2022](tel:202-272-2022) Fax

Rcokley@ncd.gov<<mailto:Rcokley@ncd.gov>>

Website: <http://www.ncd.gov><<http://www.ncd.gov>>

From: Sylvia Jones
Sent: Wednesday, December 11, 2013 9:16 AM
To: Rebecca Cokley
Cc: Sylvia Jones; Robyn Powell
Subject: FW: Post Employment Ethics Letter

Rebecca,

This email is to document that on November 21, I sent Robyn Powell an email inquiring if the agency had a post employment ethics letter and the information on how it's administered and/or disseminated to former employees.

Due to Robyn's non-responsiveness I sent her a 2nd request email on Dec 2 and still no response. It has now been 20 days I have not received a response from Robyn Powell.

Sylvia

From: Sylvia Jones
Sent: Monday, December 2, 2013 9:11 AM
To: Robyn Powell
Cc: Sylvia Jones
Subject: RE: Post Employment Ethics Letter (2nd Request)

Hi Robyn,

This is my second request for a response to the email below.

Sylvia

From: Sylvia Jones
Sent: Thursday, November 21, 2013 3:30 PM
To: Robyn Powell
Cc: Sylvia Jones
Subject: Post Employment Ethics Letter

Robyn,

Does NCD have a post employment ethics letter that we give to employees when they depart the agency? If so, please explain how it is administered and/or disseminated to former employees.

Sylvia

No virus found in this message.

Checked by AVG - www.avg.com <<http://www.avg.com>>

Version: 2012.0.2242 / Virus Database: 3658/6410 - Release Date: 12/11/13

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Lisa Gilmore
Human Resources Specialist (Employee Relations)
Washington Area Operations Center
Employee Relations Branch-CPWA
301 7th Street, S.W., Room 1022
Washington, DC 20407
202-205-4929 Desk
202-(b) (6) Mobile Phone
202-708-5377 fax



https://docs.google.com/a/gsa.gov/forms/d/1nhjCN6rnQLHds76fKF2MsLyLHchZpKL7e_LIZjNJlr0/viewform

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:Rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](#)
Date: 12/19/2013 4:34:28 PM
Subject: RE: Update

FYI, I don't think Sylvia had me do a return to duty SF-52 on (b) (6) I'm checking my records and all I saw was the initial one.....

Rebecca Cokley
Executive Director
National Council on Disability
1331 F Street NW, Suite 850
Washington, DC 20004
202-272-2124 Voice
202-272-2074 TTY
202-272-2022 Fax
Rcokley@ncd.gov
Website: <http://www.ncd.gov>

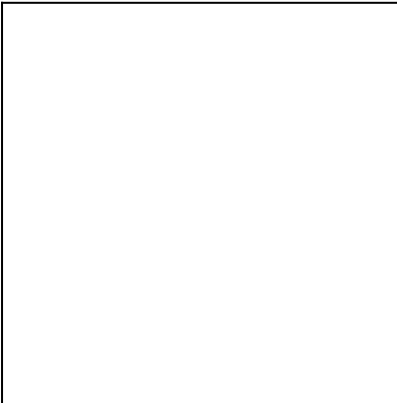
From: Lisa Brown-Gilmore - CPWA [mailto:lisa.gilmore@gsa.gov]
Sent: Thursday, December 19, 2013 9:05 AM
To: Rebecca Cokley
Subject: Update

Hi Becca,

Jeff can issue the decision tomorrow. Is that her last day for the year? Also I need a return to duty 52. Thanks

--

Lisa Gilmore
Human Resources Specialist (Employee Relations)
Washington Area Operations Center
Employee Relations Branch-CPWA
301 7th Street, S.W., Room 1022
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https://docs.google.com/a/gsa.gov/forms/d/1nhjCN6rnQLHds76fKF2MsLyLHchZpKL7e_LIZjNJlr0/viewform

No virus found in this message.

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:Rebecca.Cokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](#)
Date: 10/30/2013 8:38:38 AM
Subject: Fwd: travel arrangements for the Council

FYI

Sent from my iPad

Begin forwarded message:

From: Sylvia Jones <sjones@ncd.gov>
Date: October 30, 2013, 8:35:21 AM EDT
To: Rebecca Cokley <rcokley@ncd.gov>
Cc: Sylvia Jones <sjones@ncd.gov>
Subject: RE: travel arrangements for the Council

Rebecca,

As you are aware the Administrative Specialist, GS-09 position is responsible for coordinating, arranging and scheduling travel requests, reserve airline flights, hotel and car rental for staff and members. Per you and Jeff's recommendation to the EC this position was realigned under you for supervision which makes you responsible.

As a courtesy to the board, I will take care of this arrangement to include Chester and John's hotel but will not be able to take on additional requests as it is an internal control violation (segregation of duties) and is burdensome to me performing my assigned duties.

Please forward me a list of attendees for this meeting. It's up to you as to when members can start making flight arrangements.

Sylvia

From: Rebecca Cokley
Sent: Wednesday, October 30, 2013 8:06 AM
To: Sylvia Jones
Subject: travel arrangements for the Council

Mrs. Jones

The Council meeting in Kansas has been rescheduled for December 4-5. Travel dates should be the 3rd and the 6th. Some members will be leaving on the 5th, others will stay for the CMS forum we're hosting on the afternoon of the 5th, and will necessitate flying out on the 6th. Please reach out to the hotel and let me know once members are able to start making flight arrangements.

Thank you.

Rebecca

Sent from my iPad

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](#)
Date: 10/23/2013 12:29:58 PM
Subject: Fwd: Sylvia's Husband

Here was what I sent.

Rebecca

Sent from my iPad

Begin forwarded message:

From: Rebecca Cokley <rcokley@ncd.gov>
Date: September 30, 2013, 12:30:03 PM EDT
To: Jeff Rosen <jrosen@ncd.gov>
Cc: Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>, David Allen <david.allen@gsa.gov>
Subject: Re: Sylvia's Husband

Jeff

to recap: I spoke with Sylvia at 12:15 and after putting me on speakerphone she confirmed that the individual in her office was her husband, and she refused repeatedly to tell me what she was working on, citing that I was on leave and not in a position to ask her. I asked her to call me back after she goes on lunch with her husband and she repeatedly refused, telling me that she didn't need to call me back because I was on leave.

1-877-437-7411 is the number for the Federal Protective Service

RC

Sent from my iPad

On Sep 30, 2013, at 12:24 PM, "Jeff Rosen" <jrosen@ncd.gov> wrote:

I checked with some interpreters and no one is available this afternoon.

I'm continuing to look around. Please keep me posted about any developments in the meantime.

From: Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>
Sent: Monday, September 30, 2013 12:15 PM
To: Jeff Rosen
Cc: Rebecca Cokley; David Allen
Subject: Re: Sylvia's Husband

Jeff and Rebecca,

(b) (5)

From: Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>

Sent: Monday, September 30, 2013 11:53 AM

To: Rebecca Cokley

Cc: David Allen; Jeff Rosen

Subject: Re: Sylvia's Husband

(b) (5)

On Mon, Sep 30, 2013 at 11:34 AM, Rebecca Cokley <rcokley@ncd.gov> wrote:

Lisa

I've been contacted by 3 staff about this today. What can we do?

RC

Sent from my iPhone

Begin forwarded message:

From: Robyn Powell <RPowell@ncd.gov>

Date: September 30, 2013 at 11:23:13 AM EDT

To: Jeff Rosen <jrosen@ncd.gov>, Rebecca Cokley <rcokley@ncd.gov>

Subject: Sylvia's Husband

Hi Jeff and Rebecca,

Staff have informed me that a man (assumedly Sylvia's husband) has been in Sylvia's office for several hours with her and that they have overheard what sounds like papers being ripped. I wanted to let you know, as this seems inappropriate.

Thanks,
Robyn

--

Lisa Gilmore
Human Resources Specialist (Employee Relations)
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Employee Relations Branch-CPWA
301 7th Street, S.W., Room 1022
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[202-708-5377](tel:202-708-5377) fax



https://docs.google.com/a/gsa.gov/forms/d/1nhjCN6rnQLHds76fKF2MsLyLHchZpKL7e_LIZjNJlr0/viewform

--

Lisa Gilmore
Human Resources Specialist (Employee Relations)
Washington Area Operations Center
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From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](#)
Date: 10/21/2013 11:08:56 AM
Subject: FW: my time

Typically this is true. However we've been on furlough.

I do not want her initiating an SF-52. Can someone over there talk to Maurice?

Rebecca

From: Sylvia Jones
Sent: Monday, October 21, 2013 10:56 AM
To: Rebecca Cokley
Cc: Sylvia Jones
Subject: RE: my time

Rebecca,

If you're going to refer to me by my last name please refer to me by the proper title of Mrs. Jones. Regarding your time...as you know, leave forms are not submitted "once the leave is taken." Leave is requested and approved in advance unless due to emergency or unexpected absences. If you have any questions pertaining to the proper procedures for requesting leave please contact human resources. Regarding your schedule...I was advised by human resources that your schedule should be changed from full-time to part-time and until I'm told otherwise by HR I have to initiate an SF-52. If you have questions pertaining to the information provided to me, feel free to contact Maurice Hubbard.

Sylvia

From: Rebecca Cokley
Sent: Monday, October 21, 2013 10:44 AM
To: Sylvia Jones
Subject: my time

Ms. Jones,

I have previously provided you with a copy of my work schedule in my revised telework plan. My approved leave requests are attached. I will continue to send leave requests once the leave is taken. I will remain on a full time work schedule, as I am currently teleworking. I will use a combination of donated, annual, and/or sick leave for any time not worked. This is not a part-time schedule.

Rebecca

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](#)
Date: 11/7/2013 8:01:16 AM
Subject: Fwd: Out of the office...

FYI.

Sent from my iPhone

Begin forwarded message:

From: Sylvia Jones <sjones@ncd.gov>
Date: November 7, 2013 at 6:59:23 AM EST
To: Rebecca Cokley <rcokley@ncd.gov>
Cc: Sylvia Jones <sjones@ncd.gov>
Subject: Out of the office...

Rebecca,

I'm not feeling well. I will be out of the office today and tomorrow returning next week.

Sylvia

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:Rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](#)
Date: 10/18/2013 9:13:40 AM
Subject: Re: following up

And let me add, I am not aware of performance issues with Nick. And as executive director, I oversee all staff.

Rebecca

Sent from my iPad

On Oct 18, 2013, at 9:08 AM, "Rebecca Cokley" <rcokley@ncd.gov> wrote:

here we go.

Sent from my iPad

Begin forwarded message:

From: Sylvia Jones <sjones@ncd.gov>
Date: October 18, 2013, 9:06:00 AM EDT
To: Rebecca Cokley <rcokley@ncd.gov>
Cc: Sylvia Jones <sjones@ncd.gov>
Subject: RE: following up

Good Morning Rebecca,

I hope this email finds you well.

Your email appears to be more discrimination and retaliation. It also appears that the white employees are not held to the same standards as the black employees as they are continuously allowed to commit punishable acts of misconduct, violate federal laws and regulations (that you are aware of) and are not required to perform their duties at an acceptable level of performance.

You and everyone else are fully aware of the performance issues with Nick as they have been ongoing for a long time, even prior to your arrival. Furthermore you do not have the qualifications and training to monitor and oversee contract performance. Nick's contract expires in two months and I was fully in compliance with Federal regulation to request a replacement for Nick and I would like this carried out as I directed for the best interest of agency and performance of my job duties. Your reasoning for keeping Nick is strictly personal and not in the best interest of the agency. Furthermore, the ED does not manage contractors. Per my position of record "incumbent supervise contract personnel." You are attempting to strip me of more duties and supervisory functions without cause and I would like to know if you will stripping the supervisory authority of my white peers. You have clearly demonstrated that you have a personal issue with me and it is affecting the moral of

the office, the agency's mission's and managements judgment to make informed decisions on work. This is another act of retaliation.

Per 5 USC 7106 as a manager I have rights and per the regulation "nothing shall affect the authority of any management official of any agency." Specifically, I have the right to:

- a) to hire, assign, direct, layoff, and retain employees in the agency, to recommend suspension, removal, reduce in grade or pay, or take other disciplinary action against such employees;
- b) to assign work, to make determinations with respect to contracting out, and to determine the personnel by which agency operations shall be conducted;
- c) with respect to filling positions, to make selections for appointments from among properly ranked and certified candidates for promotion; or any other appropriate source; to take whatever actions may be necessary to carry out the agency mission during emergencies.

Therefore, I made a decision to replace Nick and I would like to move forward with the decision as it was a "good faith decision with merit decision and in the best interest of the agency."

Regarding Stacey performance rating: as you are fully aware, my workload was severely impeded with the budget workload of the ED and Financial Analyst which made it impossible for me to close out Stacey's plan. Per regulation, the performance period ends on Sept. 30...which entitled the employee to perform on the plan through Sept. 30. In order for me to properly close out a performance plan will require discussion with the employee and provide him the opportunity to provide a self assessment statement or comment on each element. I will be working on the plan today and will schedule and meeting with Stacy on Monday and will provide his plan to you by the close of business Monday, Oct 21.

In closing, I have requested you to be more civil with me in email with your tone as you are with other directors. I have even elevated the issue to the chair and no action has been taken as you continue to talk down to me in a disrespectful manner. I ask you again to extend to me the same respect that I'm required to give to you.

If you persist and obstruct me from replacing Nick, the issue to include IT security violations will be reported to the proper authorities.

Sylvia

From: Rebecca Cokley
Sent: Thursday, October 17, 2013 7:39 PM
To: Sylvia Jones
Subject: following up

Ms. Jones

Prior to the government furlough, you directed NCD's subcontractor to terminate our only IT support (Nick). You did not provide any reason to me as to why you made this decision. Furthermore, I am not aware of any performance issue that Nick has. At this time, NCD will not be firing Nick. Effective immediately, Nick will report directly to me. Please provide Nick with the key to the server cabinet at the start of business tomorrow.

I instructed you to send me draft performance ratings for you and Stacey by September 19th. You stated in an email to me that you would send the draft performance rating for Stacey on September 20 before close of business. To date, I have not received any of the requested information from you. Please send me your draft by close of business tomorrow so that I can review and finalize the process. If you have questions feel free to contact me.

Thank you.

Rebecca Cokley

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:Rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA \(lisa.gilmore@gsa.gov\)](mailto:lisa.gilmore@gsa.gov)
Date: 11/26/2013 5:33:50 PM
Subject: FW: Post Employment Ethics Letter

Are you in tomorrow? I want to pick your brain on this.

Rebecca Cokley
Executive Director
National Council on Disability
1331 F Street NW, Suite 850
Washington, DC 20004
202-272-2124 Voice
202-272-2074 TTY
202-272-2022 Fax
Rcokley@ncd.gov
Website: <http://www.ncd.gov>

From: Robyn Powell
Sent: Friday, November 22, 2013 8:47 AM
To: Rebecca Cokley
Subject: RE: Post Employment Ethics Letter

How do you want to proceed?

From: jdurocher1@att.blackberry.net [<mailto:jdurocher1@att.blackberry.net>]
Sent: Thursday, November 21, 2013 4:19 PM
To: Rebecca Cokley; Robyn Powell
Subject: Re: Post Employment Ethics Letter

I would look in Aaron's old files to find the letter he gave to (b) (6) when she departed...GSA assisted in drafting it.
Sent via BlackBerry by AT&T

From: Rebecca Cokley <rcokley@ncd.gov>
Date: Thu, 21 Nov 2013 21:13:30 +0000
To: Robyn Powell<RPowell@ncd.gov>
Cc: jdurocher1@att.blackberry.net<jdurocher1@att.blackberry.net>
Subject: Re: Post Employment Ethics Letter

I've never heard of this. Joan?

Rebecca

Sent from my iPhone

On Nov 21, 2013, at 3:45 PM, "Robyn Powell" <RPowell@ncd.gov> wrote:

Please see below.

From: Sylvia Jones
Sent: Thursday, November 21, 2013 3:30 PM
To: Robyn Powell
Cc: Sylvia Jones
Subject: Post Employment Ethics Letter

Robyn,

Does NCD have a post employment ethics letter that we give to employees when they depart the agency? If so, please explain how it is administered and/or disseminated to former employees.

Sylvia

No virus found in this message.

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Version: 2012.0.2242 / Virus Database: 3629/6351 - Release Date: 11/20/13

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](#)
Date: 11/21/2013 12:22:12 PM
Subject: RE: FW: NCD 4th Qtr. Fluctuation Analysis

Lisa

I made one edit. Give me your thoughts.

Rebecca

From: Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>
Sent: Thursday, November 21, 2013 11:21 AM
To: Rebecca Cokley
Subject: Re: FW: NCD 4th Qtr. Fluctuation Analysis

(b) (5)

On Thu, Nov 21, 2013 at 10:51 AM, Rebecca Cokley <rcokley@ncd.gov> wrote:

Lisa

I sent time-sensitive information to the accountants in Kansas City yesterday and signed off on them uploading the information to the system. Sylvia sent me further feedback after I gave GSA the go-ahead and she responded below.

Do you have any thoughts on how I should respond?

Rebecca

From: Sylvia Jones
Sent: Thursday, November 21, 2013 9:05 AM
To: Rebecca Cokley
Cc: Jonathan Kuniholm
Subject: FW: NCD 4th Qtr. Fluctuation Analysis

Rebecca,

Yesterday afternoon at 4:50 pm I reach out to you requesting additional information for submission of the subject analysis to OMB and at the close of business I was still awaiting a response from you.

This morning I was informed by Mark Whittemore that you sent him comments on fluctuation analysis and granted him the authority to upload the final version of the analysis to the MAX community. This is very troubling to me as this is one of my duties and you intentionally excluded me from the email communication and have now remove yet another one of my duties.

I try really hard to work with you as a professional and you continue to operate behind my back which has led to internal control and audit issues in the agency. The previous Executive Director kept me in the loop

on all budgetary and operational matters.

In an effort for me to successfully and professionally carry out my assigned duties and for accountability purposes, it would be helpful for me to know what budgetary functions and authorities I still have and those you have removed from me.

I copied Mr. Kuniholm to this email **only** due to his role as the A&F Chair. Jon - if you believe this is an email that you need to share with the attorney's, please feel free to do so as I will be reporting this act to the appropriate authorities as well.

Sylvia

From: Mark Whitemore - BCED <mark.whitemore@gsa.gov>

Sent: Thursday, November 21, 2013 7:50 AM

To: Sylvia Jones

Cc: Julianne White; Rebecca Cokley

Subject: Re: NCD 4th Qtr. Fluctuation Analysis

Good morning Sylvia,

Rebecca actually was able to provide me some comments and granted me the authority to upload the final version of the fluctuation analysis to the MAX community. This has been completed as of this morning.

Thanks and have a great day!

Mark Whitemore, CGFM, CFE

Accountant

General Services Administration (GSA)

External Services Branch (BCED)

mark.whitemore@gsa.gov

1500 E. Bannister Road

Kansas City, MO, 64131

Phone: [816-823-4581](tel:816-823-4581)

Fax: [816-926-3642](tel:816-926-3642)

On Wed, Nov 20, 2013 at 4:06 PM, Sylvia Jones <sjones@ncd.gov> wrote:

Hi Mark,

NCD comments on the 4th Qtr. Fluctuation Analysis were due to you by cob today. Please note that I am awaiting clarification information from Rebecca before I can submit. I hope to get the comments and the report back to you by or before noon tomorrow.

Thank you,
Sylvia

From: Mark Whitemore - BCED <mark.whitemore@gsa.gov>

Sent: Wednesday, October 30, 2013 4:30 PM

To: Sylvia Jones

Cc: Julianne White; Rebecca Cokley

Subject: NCD 4th Qtr. Fluctuation Analysis

Good afternoon Sylvia,

I am attaching the Fluctuation Analysis for you to review and comment on. Please provide comments by **COB November 20, 2013**. I will then prepare the reports that you need to submit to OMB. Per OMB Circular A-136 you are required to submit this report. A few points that the circular states are:

* The analysis should be only on the significant variances between the current quarter and the same quarter from the prior year. Management has discretion on what constitutes a significant variance. Do not provide variances for each line item, but only the top three line items with significant fluctuations from the prior year.

* If a financial statement does not have significant variances between the comparative periods, then note that in the analysis.

If you know your criteria that you would like to set for what constitutes a significant variance, please let me know. For example, you can set your criteria for a certain percentage change or even by the dollar amount change.

I need you to determine which lines in the Fluctuation Analyses constitute a significant variance. This is up to you for what you determine to be significant. **Please insert your comment on the spreadsheet for the line items you determine to be a significant variance and return the worksheet to me.** The comment needs to be a simple statement as to why there is a variance. I will then prepare the Fluctuation Analysis Report. As noted in the circular, if you determine a financial statement to not have a significant variance, please note that in the analysis also. If you have any questions, please let me know.

Thanks and have a great day!

Mark Whittemore, CGFM, CFE
Accountant
General Services Administration (GSA)
External Services Branch (BCED)
mark.whittemore@gsa.gov
1500 E. Bannister Road
Kansas City, MO, 64131
Phone: [816-823-4581](tel:816-823-4581)
Fax: [816-926-3642](tel:816-926-3642)

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Version: 2012.0.2242 / Virus Database: 3629/6351 - Release Date: 11/20/13

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Lisa Gilmore
Human Resources Specialist (Employee Relations)
Washington Area Operations Center
Employee Relations Branch-CPWA
301 7th Street, S.W., Room 1022
Washington, DC 20407
202-205-4929 Desk
202-(b) (6) Mobile Phone
202-708-5377 fax

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:Rebecca.Cokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](#)
Date: 11/13/2013 11:43:44 AM
Subject: Fwd: June 28th email

FYI

Sent from my iPad

Begin forwarded message:

From: Sylvia Jones <sjones@ncd.gov>
Date: November 13, 2013, 10:42:29 AM EST
To: Rebecca Cokley <rcokley@ncd.gov>
Cc: NCD-Board-Members <NCD-Board-Members@ncd.gov>, Sylvia Jones <sjones@ncd.gov>
Subject: RE: June 28th email

Rebecca,

Thank you for your email. However I wish the email had come sooner and not 5 months after the fact. I have suffered tremendously for trying to do what's right. Not only were my rights violated in the workplace, I have been targeted, discriminated against, humiliated and demeaned in the worse way by the actions of you and Jeff in an attempt to cause harm to me.

As the former chair would say "NCD was a fabulous place to work." As a person with a disability I took pride in working here. It is now hurtful to be part of an agency that has treated me as if I was less than human.

You awarded me for superior performance in June with a pay increase and the after I attempted to raise issues to the board that could potentially cause harm to the agency, you and Jeff aggressively came after me. No other employee in the agency has been treated as inhumane as I have and eventhough you recinded the email I still didn't get a simple apology which leads me to believe that you may have been directed to send me the email.

Sylvia

From: Rebecca Cokley
Sent: Wednesday, November 13, 2013 10:00 AM
To: Sylvia Jones
Subject: June 28th email

Mrs. Jones,

Please disregard my email to you dated June 28, 2013 directing you to cease communications with NCD Council Members. My intent for writing the email was not to violate your rights under the Whistleblower Protection Act, 5 USC 2302 and 1213. However it was my attempt to diffuse any disruption created by your communications to Council Members. In no way did I intend to restrict you from making any disclosures to management or violate your rights as a protected Whistleblower under the Whistleblower Protection Act.

Rebecca Cokley

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:Rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](#)
Date: 12/2/2013 11:42:54 AM
Subject: Fwd: next week

More.....

Sent from my iPad

Begin forwarded message:

From: Sylvia Jones <sjones@ncd.gov>
Date: December 2, 2013, 8:48:25 AM EST
To: Rebecca Cokley <rcokley@ncd.gov>
Cc: Sylvia Jones <sjones@ncd.gov>
Subject: RE: next week

Rebecca,

(b) (6) personnel file does not contain a post employment letter.

Per the Chair's Sept 27 email to staff, the financial analyst position was realigned from under me to report directly to you to enhance the efficiency of the financial management of NCD. As the supervisor of the financial analyst and designated project officer of the contract, you are responsible for briefing the contractor. Due to the removal of my supervisory duties of the position, there is no need for me to meet with the person as you have assumed supervisory authority over the position. The financial file in my possession that he need to process invoices will be left with Stacey.

Sylvia

From: Rebecca Cokley
Sent: Wednesday, November 27, 2013 11:08 AM
To: Sylvia Jones
Subject: next week

Mrs. Jones,

I need you to tell me by COB Friday, November 29, 2013 which date next week that you are available to come into the office to complete the following tasks:

1) Brief the new Financial Analyst (there are certain tasks that he will need your assistance with and he is only in the office Tuesday-Thursday) and

2) Look in (b) (6) personnel file. There should be a copy of a post-employment letter that was given to her before she left the Agency. Please scan and send it to me.

Thank you.

Rebecca Cokley
Executive Director
National Council on Disability
1331 F Street NW, Suite 850
Washington, DC 20004
202-272-2124 Voice
202-272-2074 TTY
202-272-2022 Fax
Rcokley@ncd.gov
Website: <http://www.ncd.gov>

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:Rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA \(lisa.gilmore@gsa.gov\)](mailto:lisa.gilmore@gsa.gov)
Date: 12/5/2013 3:22:38 PM
Subject: FW: Eric's start date

Lisa

Can Anne and I get on the phone with you at 3 to discuss how to respond?

Rebecca Cokley
Executive Director
National Council on Disability
1331 F Street NW, Suite 850
Washington, DC 20004
202-272-2124 Voice
202-272-2074 TTY
202-272-2022 Fax
Rcokley@ncd.gov
Website: <http://www.ncd.gov>

From: Sylvia Jones
Sent: Thursday, December 05, 2013 2:12 PM
To: Anne Sommers
Cc: Rebecca Cokley; Sylvia Jones
Subject: RE: (b) (6) start date

Anne,

When we spoke on Monday you never mentioned a January start date. We have been corresponding on this issue all week and you were well aware I would be preparing an offer letter, however today was the first time you made mention of a January start date.

As the selecting official, you are responsible for updating (b) (6) on the process and for the record...clear and consistent information has been provided to you from the start, however you and the candidate stalled the process by trying to pay (b) (6) a salary he was not entitled to. If you had the followed the guidance I provided to you on November 14 instead of looking for loop holes to pay Mr. (b) (6) a higher salary, he would be on board already or pending a start on Dec 30.

I understand that bringing (b) (6) is a very high priority and so is my time..ensuring that he is on-boarded properly. You also threatened me with bringing Rebecca in the loop of things...I'm fine with this as it will not prevent me from following policy and procedures and protocol.

The next steps moving forward include:

1. You returning the signed appointment above the minimum memo to me;
2. Upon receiving a solid start date from you and comments from GSA on the offer letter...I will adjust the start date on the offer letter and forward to you for submission to (b) (6)
3. A complete offer packet will be forwarded to GSA which will include: 1) appointment above the minimum memo; 2) revised SF-52; and 3) (b) (6) resume.
4. A security packet will be forwarded to GSA Security Office.

Sylvia

From: Anne Sommers
Sent: Thursday, December 5, 2013 1:08 PM

To: Sylvia Jones
Subject: RE: Eric's start date

Hi Sylvia,

I will double check with (b) (6) before you take that step with GSA. Please hold off until I can call him.

However, I believe I have been clear and consistent about (b) (6) request to post a month's notice at his current employer. When we talked about December 29 as a start date, you are right, it was quite a while back....when that start date was far more than a month's worth, to provide the time needed for you to process paperwork with GSA, to have him go through clearance, to issue a formal offer, then give him that month's worth of time to provide the notice he requested. It's obviously been many weeks since that conversation, making December 29 no longer an appropriate time frame. He will not post notice until he has a firm offer from us, which I understood from you was to come at the end of the clearance process, which was to be started this week.

I will contact Eric at the next break here to see if he can start in late December, but I don't believe he can. If I know when he may get his letter, I can accurately project his start date. I understand that you are very busy right now. However, this is a very high priority, and I'll let Rebecca know where we are in the process, so we can keep this queued up for completion in the very near term.

What would help is getting a very clear overview of the process -- and having you, as our HR expert, update Eric. Would you be willing to do a call with him with me tomorrow? I will arrange it if you are willing. He has been very patiently waiting and I don't feel our coordination is as good as it could be in communicating to him timely.

So again, please don't contact GSA until I confirm with (b) (6) that he cannot start December 30, though I don't believe he can.

I'll write again today once I speak with Eric.

Thanks,
Anne

From: Sylvia Jones
Sent: Thursday, December 5, 2013 12:05 PM
To: Anne Sommers
Cc: Sylvia Jones
Subject: RE: Eric's start date

Hi Anne,

Today is the first time you've communicated a January start date to me. When I inquired about Mr. (b) (6) starting in January a while back you were firm with the December 29 start date.

Today, I sent forth (b) (6) signed SF-52 and draft offer letter to GSA with a starting date of December 29, reporting on Dec 30. The last minute changes are causing an unnecessary workload burden on me; and as you know I am without staff other than Stacey.

I will notify GSA to remove (b) (6) from the Dec 30 orientation list and I will re-do the paperwork when time permits.

Sylvia

From: Anne Sommers
Sent: Thursday, December 5, 2013 11:54 AM
To: Sylvia Jones
Subject: Eric's start date

Hi Sylvia:

Just a reminder that Eric told us during his interview and throughout the process that he will be giving a month's notice to his current employer. Accordingly, his start date will be in January, not December. I don't have the pay calendar in front of me, but I think it's January 12 that makes the most sense.

Thanks,
Anne

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.2242 / Virus Database: 3658/6393 - Release Date: 12/05/13

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:Rebecca.Cokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](#)
Date: 11/22/2013 12:58:18 PM
Subject: FW: Entrance Conference for Audit of FY2013 Financial Statements

Lisa

At the bottom of this email chain is the initial email from the auditors requesting the completion of a series of documents. Ms. Jones did not send Mr. Rosen, Mr. Blumenthal, Mr. Kuniholm, and myself the documents until a latter email was sent at the end of October. This significantly delayed our annual audit.

Rebecca

From: Claude Etinoff <Claude.Etinoff@RegisCPA.com>
Sent: Friday, November 22, 2013 11:55 AM
To: Jeff Rosen; Jonathan Kuniholm; Gary Blumenthal; Rebecca Cokley
Cc: Peter Regis; Victor Ahuchogu; Thomas Coyne
Subject: FW: Entrance Conference for Audit of FY2013 Financial Statements

Good morning Jeff:

The e-mail trail below documents our initial entrance conference meeting request and the attached documents that we still have not completed.

Respectfully,

Claude J Etinoff CPA
Regis & Associates, PC
1400 Eye Street, NW
Suite 425
Washington, D.C. 20005
Tel: 202.296.7101
Mobile: 240. (b) (6)

From: Thomas Coyne
Sent: Thursday, November 21, 2013 10:46 AM
To: rcokley@ncd.com
Cc: Claude Etinoff
Subject: FW: Entrance Conference for Audit of FY2013 Financial Statements

Hello Rebecca,

It was really nice getting to met you yesterday.

Respectfully,
Tom

From: Thomas Coyne
Sent: Tuesday, September 10, 2013 4:39 PM
To: smeniffee@ncd.gov
Cc: Peter Regis; Victor Ahuchogu
Subject: Entrance Conference for Audit of FY2013 Financial Statements

Hello Silvia Meniffee, Director of Administration,

The Entrance Conference for the audit of National Council on Disability (NCD) is scheduled for Thursday, September 19, 2013 at 11:00AM. The meeting will be held at NCD headquarters located at 1331 F Street, NW, Suite 850, Washington, DC 20004. Please allow at least 90 minutes for the meeting.

Attached is the Data Request List, Planning Questionnaire, Transaction walk through, and Internal Control and Evaluation Tool. If you have any questions please do not hesitate to call me at 202.296.7101.

As always we appreciate your help and expertise with these requests.

Respectfully,
Thomas Coyne
Regis & Associates, PC
1400 Eye Street, NW
Suite 425
Washington, DC 20005
Tel: 202.296.7101

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2012.0.2242 / Virus Database: 3629/6358 - Release Date: 11/22/13

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:Rebecca.Cokley@ncd.gov)
To: [Sylvia Jones](#)
[Robyn Powell](#)
Date: 12/2/2013 2:27:14 PM
Subject: RE: 2013 Annual Reporting: EEOC Form 462 (2nd Request)

Mrs. Jones,

The EEO Form 462 will be completed by me via phone with the EEOC. Upon my completion of the form, I will provide you a copy.

Rebecca

From: Sylvia Jones
Sent: Monday, December 02, 2013 9:31 AM
To: Robyn Powell
Cc: Rebecca Cokley; Sylvia Jones
Subject: RE: 2013 Annual Reporting: EEOC Form 462 (2nd Request)

Hi Robyn,

This is a second request for a copy of NCD's submission of the subject report.

Sylvia

From: Sylvia Jones
Sent: Friday, November 22, 2013 10:02 AM
To: Robyn Powell
Cc: Rebecca Cokley; Sylvia Jones
Subject: RE: 2013 Annual Reporting: EEOC Form 462

Hi Robyn,

Please forward me a copy of the submission to EEOC to include the report; and in the future please ensure that I am copied on the submission. I believe Joan had advised you of this prior to departing on maternity leave.

I look forward to receiving the report.

Thank you,
Sylvia

From: Robyn Powell
Sent: Friday, November 22, 2013 9:54 AM
To: Sylvia Jones
Cc: Rebecca Cokley
Subject: RE: 2013 Annual Reporting: EEOC Form 462

Hi Sylvia,

Rebecca has taken care of this.

Thanks,
Robyn

From: Sylvia Jones
Sent: Monday, November 18, 2013 4:18 PM
To: Robyn Powell
Cc: Rebecca Cokley; Sylvia Jones
Subject: 2013 Annual Reporting: EEOC Form 462

Hi Robyn,

The EEOC Form 462 is due on November 28, 2013. I'm following up to see if you will be completing the form in Joan's absence? Please advise...

Thank you,
Sylvia

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2012.0.2242 / Virus Database: 3629/6376 - Release Date: 11/28/13

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:Rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA \(lisa.gilmore@gsa.gov\)](mailto:lisa.gilmore@gsa.gov)
Date: 12/12/2013 12:28:40 PM
Subject: FW: Anne Sommers timeline

(b) (5)

Rebecca Cokley
Executive Director
National Council on Disability
1331 F Street NW, Suite 850
Washington, DC 20004
202-272-2124 Voice
202-272-2074 TTY
202-272-2022 Fax
Rcokley@ncd.gov
Website: <http://www.ncd.gov>

From: Rebecca Cokley
Sent: Thursday, December 12, 2013 11:27 AM
To: 'Anthony E Speights - CPW'
Subject: RE: Anne Sommers timeline

And how long is a 52 valid for? I'm trying to figure out how many we need.

Rebecca Cokley
Executive Director
National Council on Disability
1331 F Street NW, Suite 850
Washington, DC 20004
202-272-2124 Voice
202-272-2074 TTY
202-272-2022 Fax
Rcokley@ncd.gov
Website: <http://www.ncd.gov>

From: Anthony E Speights - CPW [<mailto:anthony.speights@gsa.gov>]
Sent: Tuesday, December 10, 2013 3:47 PM
To: Rebecca Cokley
Subject: Re: Anne Sommers timeline

Your signature will not be problem.

On Tue, Dec 10, 2013 at 10:30 AM, Rebecca Cokley <rcokley@ncd.gov> wrote:

Will it matter that my signature will be on the document when I wasn't the executive director for this period of time?
(I'm just thinking through questions I am likely to be asked.)

Sent from my iPhone

On Dec 10, 2013, at 8:09 AM, "Anthony E Speights - CPW" <anthony.speights@gsa.gov> wrote:

The SF-52 should be signed with the current date. However, the effective date will reflect the action date that the action should have occurred. Thanks

On Mon, Dec 9, 2013 at 12:06 PM, Rebecca Cokley <rcokley@ncd.gov> wrote:

(b) (5)

Rebecca

Sent from my iPhone

On Nov 27, 2013, at 12:18 PM, "Anthony E Speights - CPW" <anthony.speights@gsa.gov> wrote:

Hi Rebecca,

We will need the signed SF-52s to initiate the action. Thanks

On Wed, Nov 27, 2013 at 11:16 AM, Rebecca Cokley <rcokley@ncd.gov> wrote:
Anthony

Do you have an update for me? Do you need me to pull together additional documentation to justify the generating of SF-50s to document Ms. Sommers tenure in the acting Director of Legislation and Outreach role?

Rebecca Cokley
Executive Director
National Council on Disability
1331 F Street NW, Suite 850
Washington, DC 20004
[202-272-2124](tel:202-272-2124) Voice
[202-272-2074](tel:202-272-2074) TTY
[202-272-2022](tel:202-272-2022) Fax
Rcokley@ncd.gov
Website: <http://www.ncd.gov>

-----Original Message-----

From: Rebecca Cokley
Sent: Friday, November 15, 2013 8:49 AM
To: Anthony Speights - CPWD
Cc: Lisa Brown-Gilmore - CPWA
Subject: Anne Sommers timeline

Anthony

See attached. Please call me if you have any questions or would like additional supporting documentation. My cell is [202-272-2124](tel:202-272-2124) (b) (6)

Rebecca

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](#)
Date: 12/11/2013 3:10:02 PM
Subject: RE: Post Employment Ethics Letter

Lisa,

(b) (5)

Rebecca

Rebecca Cokley
Executive Director
National Council on Disability
1331 F Street NW, Suite 850
Washington, DC 20004
202-272-2124 Voice
202-272-2074 TTY
202-272-2022 Fax
Rcokley@ncd.gov
Website: <http://www.ncd.gov>

From: Lisa Brown-Gilmore - CPWA [mailto:lisa.gilmore@gsa.gov]
Sent: Wednesday, December 11, 2013 10:40 AM
To: Rebecca Cokley
Subject: Re: Post Employment Ethics Letter

(b) (5)

On Wed, Dec 11, 2013 at 10:19 AM, Rebecca Cokley <rcokley@ncd.gov> wrote:
This is the one where we discussed you connecting with Maurice since he drafted the letter with Aaron for (former employee) (b) (6). She says the letter is not in (b) (6) file, however, Aaron says it is.

How should I respond?

Rebecca Cokley
Executive Director
National Council on Disability
1331 F Street NW, Suite 850
Washington, DC 20004
[202-272-2124](tel:202-272-2124) Voice
[202-272-2074](tel:202-272-2074) TTY
[202-272-2022](tel:202-272-2022) Fax
Rcokley@ncd.gov
Website: <http://www.ncd.gov>

From: Lisa Brown-Gilmore - CPWA [mailto:lisa.gilmore@gsa.gov]
Sent: Wednesday, December 11, 2013 10:19 AM
To: Rebecca Cokley
Subject: Re: Post Employment Ethics Letter

(b) (5)

On Wed, Dec 11, 2013 at 9:20 AM, Rebecca Cokley <rcokley@ncd.gov> wrote:
How should I respond?

Sent from my iPhone

Begin forwarded message:

From: Sylvia Jones <sjones@ncd.gov>
Date: December 11, 2013 at 9:15:35 AM EST
To: Rebecca Cokley <rcokley@ncd.gov>
Cc: Sylvia Jones <sjones@ncd.gov>, Robyn Powell <RPowell@ncd.gov>
Subject: FW: Post Employment Ethics Letter

Rebecca,

This email is to document that on November 21, I sent Robyn Powell an email inquiring if the agency had a post employment ethics letter and the information on how it's administered and/or disseminated to former employees.

Due to Robyn's non-responsiveness I sent her a 2nd request email on Dec 2 and still no response. It has now been 20 days I have not received a response from Robyn Powell.

Sylvia

From: Sylvia Jones
Sent: Monday, December 2, 2013 9:11 AM
To: Robyn Powell
Cc: Sylvia Jones
Subject: RE: Post Employment Ethics Letter (2nd Request)

Hi Robyn,

This is my second request for a response to the email below.

Sylvia

From: Sylvia Jones

Sent: Thursday, November 21, 2013 3:30 PM
To: Robyn Powell
Cc: Sylvia Jones
Subject: Post Employment Ethics Letter

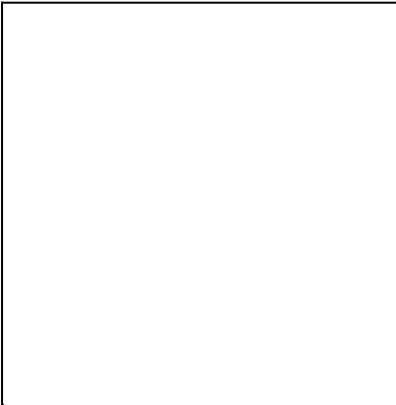
Robyn,

Does NCD have a post employment ethics letter that we give to employees when they depart the agency? If so, please explain how it is administered and/or disseminated to former employees.

Sylvia

--

Lisa Gilmore
Human Resources Specialist (Employee Relations)
Washington Area Operations Center
Employee Relations Branch-CPWA
301 7th Street, S.W., Room 1022
Washington, DC 20407
[202-205-4929](tel:202-205-4929) Desk
[\(b\)\(6\)](tel:202-(b)(6)) Mobile Phone
[202-708-5377](tel:202-708-5377) fax



https://docs.google.com/a/gsa.gov/forms/d/1nhjCN6rnQLHds76fKF2MsLyLHchZpKL7e_LIZjNJlr0/viewform

No virus found in this message.

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Version: 2012.0.2242 / Virus Database: 3658/6410 - Release Date: 12/11/13

--

Lisa Gilmore
Human Resources Specialist (Employee Relations)
Washington Area Operations Center
Employee Relations Branch-CPWA

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:Rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA \(lisa.gilmore@gsa.gov\)](mailto:lisa.gilmore@gsa.gov)
Date: 12/5/2013 11:34:16 AM
Subject: FW: (b) (6)

Lisa

One of our Council members informed us of his request of the White House to not renominate him to the Council at the end of August. I informed Sylvia of this when he let me know. I have not submitted any paperwork to GSA on this. For all I know the White House did this. How should I respond to her?

Rebecca Cokley
Executive Director
National Council on Disability
1331 F Street NW, Suite 850
Washington, DC 20004
202-272-2124 Voice
202-272-2074 TTY
202-272-2022 Fax
Rcokley@ncd.gov
Website: <http://www.ncd.gov>

From: Sylvia Jones
Sent: Thursday, December 05, 2013 10:27 AM
To: Rebecca Cokley
Cc: Sylvia Jones
Subject: (b) (6)

Rebecca,

A termination personnel action was processed on (b) (6) effective 09/17/2013. Do you know who submitted the paperwork to GSA?

Sylvia

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.2242 / Virus Database: 3658/6393 - Release Date: 12/05/13

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:Rebecca.Cokley@ncd.gov)
To: [Jeff Rosen](#)
Date: 9/30/2013 12:17:36 PM
Subject: Re: Global Networkers contract

(b) (6) doesn't know about the convo but I will talk to his boss

Sent from my iPhone

On Sep 30, 2013, at 12:08 PM, "Jeff Rosen" <jrosen@ncd.gov> wrote:

Thank you. He is indispensable to NCD.

From: Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>
Sent: Monday, September 30, 2013 12:07 PM
To: Rebecca Cokley
Cc: Jeff Rosen
Subject: Re: Global Networkers contract

Please make sure that (b) (6) understands he is not being fired. I will continue to work with Rebecca regarding the administrative action.

On Mon, Sep 30, 2013 at 11:50 AM, Rebecca Cokley <rcokley@ncd.gov> wrote:

I just got off the phone with our IT contractor (William) and he informed me that Ms. Jones directed him to fire (b) (6) effective today. She is the COTR on the contract but he contacted me as the Executive Director to ensure that that was in fact, our desire, which it isn't. This puts him in a slightly awkward position. What do we do?

She has yet to date mentioned any dissatisfaction with (b) (6) performance, although he did relay to me that he was verbally disciplined about informing me about her denial of my laptop last week. William has no issue with (b) (6) performance.

I told William to hold pending my guidance.

RC

Sent from my iPad

--

Lisa Gilmore
Human Resources Specialist (Employee Relations)
Washington Area Operations Center
Employee Relations Branch-CPWA
301 7th Street, S.W., Room 1022
Washington, DC 20407
202-205-4929 Desk
202-(b) (6) Mobile Phone
202-708-5377 fax



https://docs.google.com/a/gsa.gov/forms/d/1nhjCN6rnQLHds76fKF2MsLyLHchZpKL7e_LIZjNJlr0/viewform

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](#)
Date: 10/30/2013 3:12:58 PM
Subject: Jeff's timecards

I've just learned that Sylvia has not signed off on Jeff's timecards from before the shutdown. (b) (5)

[REDACTED]

Rebecca

Sent from my iPad

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:rcokley@ncd.gov)
To: [Thomasina Williams - CPWA](#)
Date: 10/22/2013 2:43:54 PM
Subject: Re: (b) (6) suspension

Will do. Thanks for your help on all this.

Rebecca

Sent from my iPad

On Oct 22, 2013, at 2:31 PM, "Thomasina Williams - CPWA" <thomasina.williams@gsa.gov> wrote:

Rebecca,

Your math is correct. Please send me a copy of the signed and dated suspension notice for the file.

On Tue, Oct 22, 2013 at 1:04 PM, Rebecca Cokley <rcokley@ncd.gov> wrote:
Lisa and Thomasina

(b) (5)

Rebecca

Sent from my iPad

Begin forwarded message:

From: Sylvia Jones <sjones@ncd.gov>
Date: October 22, 2013, 11:59:35 AM EDT
To: Rebecca Cokley <rcokley@ncd.gov>
Cc: Sylvia Jones <sjones@ncd.gov>

Subject: RE: (b) (6) suspension

Rebecca,

Please provide an update on the subject issue.

Mrs. Jones

From: Sylvia Meniffee
Sent: Monday, September 09, 2013 5:10 PM
To: Rebecca Cokley
Cc: Sylvia Meniffee

Subject: RE: (b) (6) suspension

Rebecca,

The dates are Oct 15-28.

Sylvia

From: Rebecca Cokley
Sent: Monday, September 09, 2013 9:50:01 AM
To: Sylvia Meniffee
Cc: Lynnae Ruttledge
Subject: (b) (6) suspension

Sylvia

GSA is ready to proceed with (b) (6) suspension letter. By COB 09/09/13 please send me 14 days between now and October 30, that you've determined he can be out of the office. As per guidance I've gotten from GSA, the 14 day period may include weekends.

Thank you.

Rebecca Cokley

Executive Director

National Council on Disability

1331 F Street NW, Suite 850

Washington, DC 20004

[202-272-2124](tel:202-272-2124) Voice

[202-272-2074](tel:202-272-2074) TTY

[202-272-2022](tel:202-272-2022) Fax

Rcokley@ncd.gov

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](#)
Date: 10/18/2013 8:03:50 AM
Subject: Fwd: Teleworking...

Lisa

So I sent her the email last night around 7 about her being in the office to give Nick the key. How do I respond to this?

Rebecca

Sent from my iPad

Begin forwarded message:

From: Sylvia Jones <sjones@ncd.gov>
Date: October 18, 2013, 8:02:39 AM EDT
To: NCD-Staff <NCD-Staff@ncd.gov>
Subject: Teleworking...

All,

I will be teleworking today.

Sylvia

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:Rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](#)
Date: 10/1/2013 12:04:42 PM
Subject: Fwd: Notice - Government Shutdown Furlough

How to respond?

Sent from my iPhone

Begin forwarded message:

From: William Haygood <whaygood@globalnetworkers.com>
Date: October 1, 2013 at 11:59:12 AM EDT
To: "Rebecca Cokley (rcokley@ncd.gov)" <rcokley@ncd.gov>
Subject: FW: Notice - Government Shutdown Furlough

Rebecca,

Here is an email I received from Sylvia in reference to our current contract. I am at a loss as to what to do, given the understanding Contracting Officer at NCD. Our contract was signed by the past Executive Director, so I wanted to contact you and let you know of our intention. Please advise.

William

William Haygood
Global Networkers
(704) 343-0094 ext. 202
(704) (b) (5) (mobile)



<http://www.globalnetworkers.com>

From: Sylvia Jones [<mailto:sjones@ncd.gov>]
Sent: Tuesday, October 01, 2013 11:05 AM
To: William Haygood
Cc: Sylvia Jones
Subject: RE: Notice - Government Shutdown Furlough

Mr. Haygood,

Per our prior discussions regarding contract performance...in order to enhance the efficiency of information technology needs within the agency and to address ongoing priority IT projects, as the Contracting Officer's Technical Representative for the GlobalNetworkers contract I have requested to replace the onsite consultant for the last 90 days of the contract due to performance issues that we previously discussed.

The NCD does not have a Contracting Officer. However as the Director of Administration I oversee the contract and I'm responsible for contract performance and deliverables to include overdue implementation of various IT projects which includes, the VPN, HSPD-12 compliance, Firewall Security, Trusted Internet Connections reporting, etc. As well as server issues, mail issues, and issues pertaining to the security of office equipment.

The replacement of the onsite consultant for the last 90 days of the contract will afford the office the

opportunity to obtain a more knowledgeable and innovative IT consultant that will improve current IT operations.

Do not hesitate to contact me if you need additional information pertaining to this request.

Thank you,
Sylvia

From: William Haygood <whaygood@globalnetworkers.com>
Sent: Tuesday, October 01, 2013 10:18 AM
To: Sylvia Jones
Subject: RE: Notice - Government Shutdown Furlough

Thanks Sylvia.

Per our discussion, could you please put your request to replace our onsite consultant in writing. I just need that on file in order to execute the request. I am told by the SBA that I need these types of request in writing from the Contracting Officer. I believe that is your role, but I am unsure. Could you please provide this to me.

Given the current shutdown, Nick is not going to return to the office, anyway, until I tell him otherwise. That should give us time to get this done if that is what you request in your communication.

Thanks,
William

W. Haygood
(704) (b) (5) mobile
www.globalnetworkers.com

From: Sylvia Jones [<mailto:sjones@ncd.gov>]
Sent: Tuesday, October 01, 2013 9:27 AM
To: William Haygood
Cc: Sylvia Jones
Subject: Notice - Government Shutdown Furlough

Good Morning Mr. Haygood,
As you may already know, Congress failed to enact funding through an annual appropriations law or a continuing resolution necessary to operate the agency resulting in a "shutdown furlough" in which all NCD members and staff are affected.
Due to the furlough shutdown all NCD staff will be furloughed and the NCD Office will close at noon today until further notice. I will contact you upon my return to duty.
Thank you,
Sylvia Meniffee-Jones
Director of Administration
National Council on Disability



From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:Rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](#)
Date: 11/27/2013 10:41:18 AM
Subject: RE: FW: Post Employment Ethics Letter

ok

Rebecca Cokley
Executive Director
National Council on Disability
1331 F Street NW, Suite 850
Washington, DC 20004
202-272-2124 Voice
202-272-2074 TTY
202-272-2022 Fax
Rcokley@ncd.gov
Website: <http://www.ncd.gov>

From: Lisa Brown-Gilmore - CPWA [mailto:lisa.gilmore@gsa.gov]
Sent: Wednesday, November 27, 2013 9:37 AM
To: Rebecca Cokley
Subject: Re: FW: Post Employment Ethics Letter



Rebecca Cokley
Executive Director
National Council on Disability
1331 F Street NW, Suite 850
Washington, DC 20004
[202-272-2124](tel:202-272-2124) Voice
[202-272-2074](tel:202-272-2074) TTY
[202-272-2022](tel:202-272-2022) Fax
Rcokley@ncd.gov
Website: <http://www.ncd.gov>

From: Lisa Brown-Gilmore - CPWA [mailto:lisa.gilmore@gsa.gov]
Sent: Wednesday, November 27, 2013 9:34 AM
To: Rebecca Cokley
Subject: Re: FW: Post Employment Ethics Letter



On Tue, Nov 26, 2013 at 4:33 PM, Rebecca Cokley <rcokley@ncd.gov> wrote:
Are you in tomorrow? I want to pick your brain on this.

Rebecca Cokley
Executive Director
National Council on Disability
1331 F Street NW, Suite 850
Washington, DC 20004
[202-272-2124](tel:202-272-2124) Voice
[202-272-2074](tel:202-272-2074) TTY
[202-272-2022](tel:202-272-2022) Fax
Rcokley@ncd.gov
Website: <http://www.ncd.gov>

(b) (5)

From: jdurocher1@att.blackberry.net [<mailto:jdurocher1@att.blackberry.net>]
Sent: Thursday, November 21, 2013 4:19 PM
To: Rebecca Cokley; Robyn Powell
Subject: Re: Post Employment Ethics Letter

I would look in Aaron's old files to find the letter he gave to (b) (6) when she departed...GSA assisted in drafting it.

Sent via BlackBerry by AT&T

(b) (5)

From: Sylvia Jones
Sent: Thursday, November 21, 2013 3:30 PM
To: Robyn Powell
Cc: Sylvia Jones
Subject: Post Employment Ethics Letter

Robyn,

Does NCD have a post employment ethics letter that we give to employees when they depart the agency? If so, please explain how it is administered and/or disseminated to former employees.

Sylvia

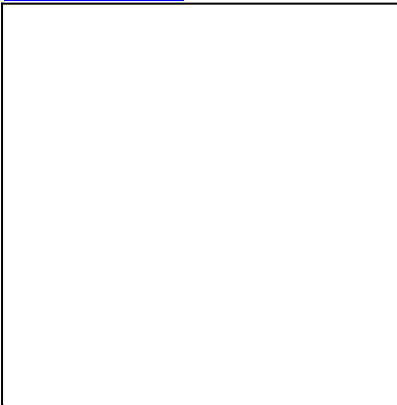
No virus found in this message.

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Version: 2012.0.2242 / Virus Database: 3629/6351 - Release Date: 11/20/13

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Lisa Gilmore
Human Resources Specialist (Employee Relations)
Washington Area Operations Center
Employee Relations Branch-CPWA
301 7th Street, S.W., Room 1022
Washington, DC 20407
[202-205-4929](tel:202-205-4929) Desk
[202-\(b\)\(6\)](tel:202-(b)(6)) Mobile Phone
[202-708-5377](tel:202-708-5377) fax



https://docs.google.com/a/gsa.gov/forms/d/1nhjCN6rnQLHds76fKF2MsLyLHchZpKL7e_LIZjNJlr0/viewform

No virus found in this message.

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Version: 2012.0.2242 / Virus Database: 3629/6358 - Release Date: 11/22/13

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Lisa Gilmore
Human Resources Specialist (Employee Relations)
Washington Area Operations Center
Employee Relations Branch-CPWA
301 7th Street, S.W., Room 1022
Washington, DC 20407
202-205-4929 Desk

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:Rebecca.Cokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](#)
Date: 11/12/2013 11:44:04 AM
Subject: FW: Sylvia Jones
Attachments: NCD Response re Notice of Appearance and Request for Info-signed.pdf
SJ Emails.pdf
NCD Disciplinary Procedures.pdf

Lisa

Here is the letter granting a 10 day extension.

Rebecca

From: Jeff Rosen
Sent: Tuesday, November 12, 2013 10:38 AM
To: Rebecca Cokley
Subject: FW: Sylvia Jones

(b) (5)



National Council on Disability

an independent federal agency making recommendations to the President and Congress to enhance the quality of life for all Americans with disabilities and their families.

November 6, 2011

N I L C NIC M IL

Julie H. Perkins, Partner
Law Firm of Perkins, O'Connell & P.C.
1100 Connecticut Avenue, N.W., Suite 1000
Washington, D.C. 20036

RE: Sylvia Jones – Acknowledgment of Entry of Appearance

Dear Attorney Perkins:

The National Council on Disability (NCD) has received your firm's entry of appearance letter dated November 1, 2011 regarding the Notice of Proposal to suspend Proposal dated November 1, 2011.

Mrs. Jones has 10 calendar days from the date of her receipt of the Proposal to reply orally and/or in writing. As you acknowledge, Mrs. Jones received the Proposal on November 1, 2011. Accordingly, 10 calendar days from that date is November 11, 2011. However, because November 11, 2011 is a Saturday, the deadline for submission is November 14, 2011.

In response to your request for an extension to present an oral reply to the Proposal, NCD is willing to grant Mrs. Jones a 10-day extension. Thus, Mrs. Jones may present an oral and/or written reply on or before November 24, 2011.

Attached to this letter are NCD's disciplinary procedures from "NCD's Administrative Policies and Procedures Manual" as well as the complete and unredacted copies of all materials that NCD relied upon to issue the proposal as you requested.

If you have any questions, please feel free to contact me at 202-272-6611 or by email at jrpowell@ncd.gov.

(b) (6)

Attorney Advisor

Enclosures

From: Sylvia Jones
Sent: Wednesday, September 25, 2013 12:58 PM
To: Jeff Rosen
Cc: Rebecca Cokley; Gary Blumenthal; Sylvia Jones
Subject: FW: Agency contingency plan

Jeff,

As previously stated, it is the responsibility of the Executive Director to prepare the Agency Contingency Plan. Both you and Rebecca were notified and became aware of OMB's request on September 18, 2013 at 10:22 a.m. during which time both you and Rebecca were in the office for staff meeting. However neither of you took any action to ensure the plan was completed knowing that Rebecca would be going out on maternity leave. In fact, Rebecca never mentioned the request and you waited until she went out on maternity leave to unlawfully direct me to perform her duties. There are two additional office director's in NCD: 1) Gerrie Drake Hawkins; and 2) Anne Sommers. Out of the three director's here, I am the only director being targeted by you.

The Executive Director was negligent in her duties by not appointing an interim Executive Director to ensure the plan and/or any other deliverables for which she was responsible were carried out. Per Office Directors...staff were informed by you during the staff meeting on Sept 18 that there was not a need for an Interim ED when Dr. Hawkins posed the question to you and Rebecca as to who would supervise the staff. Thus, I cannot understand why you continue to send me daily harassing emails to interrupt the order of the day to day operations issuing me unlawful directives.

Again, you are acting outside the scope of your authority. Please cease and desist further communication with me until the Executive Director returns to duty. If these actions continue to persist I will be forced to seek civil remedies.

As of September 19, 2013, I do not have a supervisor until Nov 4 when Rebecca returns to duty part-time. Therefore this is my last email to you.

Sylvia

From: Jeff Rosen
Sent: Wednesday, September 25, 2013 11:01 AM
To: Sylvia Jones
Cc: Rebecca Cokley; Gary Blumenthal
Subject: RE: Agency contingency plan

Sylvia,

Again I must resort to providing you with a direct order. Failure to follow this order could result in discipline up to and including removal.

While I understand that you are busy with end of year duties, and I recognize your comment that the contingency plan would normally be the responsibility of the Executive Director, I am ordering you to prepare the draft contingency plan as I requested in my email to you on Friday, September 20, 2013. You are directed to have the draft plan available for me and Gary by COB today.

-Jeff

From: Sylvia Jones
Sent: Wednesday, September 25, 2013 10:11 AM
To: Jeff Rosen
Cc: Rebecca Cokley; Gary Blumenthal; Sylvia Jones
Subject: RE: Agency contingency plan

Jeff,

This is one of duties of the Executive Director. As you are aware, she did not appoint an successor in her planned absence and due to an abundance of work to include budget close out I am unable to take on additional responsibilities outside the scope of my duties.

Sylvia

From: Jeff Rosen
Sent: Wednesday, September 25, 2013 9:45 AM
To: Sylvia Jones
Cc: Rebecca Cokley; Gary Blumenthal
Subject: RE: Agency contingency plan

Sylvia -

This is a reminder that the draft contingency plan is due from you to Gary and myself no later than COB today.

I met with OMB yesterday and our budget examiner wrote to me this morning that the plan would be ideally provided them by tomorrow, but must be submitted no later than this Friday.

-Jeff

From: Jeff Rosen
Sent: Friday, September 20, 2013 4:26 PM

To: Sylvia Jones
Cc: Rebecca Cokley; Gary Blumenthal
Subject: Agency contingency plan

Sylvia -

OMB requires federal agencies to submit a plan next week for how they would stop operations if there is a lapse of funding. Please draft such a plan for Gary and my review by COB next Wednesday September 25th. NCD should have developed a similar plan for the 2011 potential shutdown which never occurred so there may be something already on file. Feel free to contact Aaron Bishop if you would like to see if he has any information from the time he was NCD's ED.

-Jeff

From: Sylvia Jones
Sent: Tuesday, September 24, 2013 12:22 PM
To: Jeff Rosen
Cc: Sylvia Jones; Rebecca Cokley
Subject: FW: DEVIS

Jeff,

Pursuant to NCD Authorizing Statutue and the NCD Bylaws, the NCD Chair is not authorized to supervise office staff; nor is the NCD Chair responsible for managing the day to day operations of the office. Per the statutue and the bylaws, the chairperson is responsible for the appointment, supervision, and at his/her discretion, **removal** of the Executive Director. Your belief that I recused myself "simply becuse I disagreed with a decision" is a false statement and It also appears that you are mistaken about my duties as the Director of Administration. In accordance with the Federal Acquisition Regulation, the authority and responsibility to contract for authorized supplies and services is vested in a warranted Contracting Officer and/or the Agency Head.

Ms. Cokley issued me a direct order regarding this issues on June 28, 2013 and I complied with her direct order. Therefore I request that you cease and desist issuing any further communication to me on this issue due to the nature of the request as it pertains to a direct order issued to me by my supervisor.

Furthermore, your threats are unwarranted and unlawful as you are acting outside the scope of your duties. If you have any questions in the absence of the NCD General Counsel, please consult with GSA. Also, please note that these unlawful and retailatory threats against me will be forwarded to the appropriate government officials.

- Sylvia

From: Jeff Rosen
Sent: Friday, September 20, 2013 1:12 PM
To: Sylvia Jones
Cc: Rebecca Cokley
Subject: DEVIS

Sylvia,

I understand that you recused yourself from working on a contract to replace DEVIS. ou have presented no legal reason why you recused yourself.

I believe you recused yourself simply because you disagreed with the decision. Disagreeing with a decision is not grounds for recusing oneself from performing their assigned duties.

The purpose of this message is to give you a direct order. Failure to follow this order could result in disciplinary action up to and including removal.

ou are to perform the duties of your position, including working on the contract to replace DEVIS immediately or to present me with written material supporting your recusal showing why the contemplated action is illegal or against government wide regulations. This written material must be presented by COB September 24, 2013.

In addition if, in the future, you believe you must recuse yourself from performing your duties, you will provide similar written documentation supporting your request with that request.

-Jeff

From: Jeff Rosen
Sent: Tuesday, September 24, 2013 7:54 AM
To: Lisa Brown-Gilmore - CPWA
Cc: Rebecca Cokley; David Allen - WPG-C
Subject: RE: Question

er auto answer is still in use as of this morning., which reads:

"Sylvia Jones Automatic reply: Thank you for your email. I'm currently in the office. However due to end of year budget and payroll close out I am unable to respond to emails. I will respond to all emails by the close of business Wednesday, September 25, 2013. Thank you, Sylvia"

She is continuing not to respond to any emails or calls from NCD management, including Gary. We are in a financial crisis mode as a result.

If Sylvia continues to refuse to cooperate today or tomorrow, NCD will be significantly harmed as a result. She is aware of our need through numerous emails and phone messages.

From: Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>
Sent: Tuesday, September 24, 2013 7:43 AM
To: Jeff Rosen
Cc: Rebecca Cokley; David Allen - WPG-C
Subject: Question

ello Jeff,

Do you know that Sylvia has read the most recent direct order to answer phones/emails?

--

Lisa Gilmore
Human Resources Specialist (Employee Relations)
Washington Area Operations Center
Employee Relations Branch-CPWA
301 4th Street, S.W., Room 1022
Washington, DC 2040
202-205-4929 Desk
202-(b) (6) Mobile Phone
202- 08-53 fax

From: Jeff Rosen
Sent: Tuesday, September 24, 2013 8:58 AM
To: Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov); David Allen - WPG-C
Cc: Rebecca Cokley
Subject: FW: URGENT NCD directive to Ms. Meniffee

Sylvia's response below.

From: Sylvia Jones
Sent: Tuesday, September 24, 2013 8:39 AM
To: Jeff Rosen
Cc: Rebecca Cokley; Sylvia Jones
Subject: FW: URGENT NCD directive to Ms. Meniffee

Jeff,

As stated on yesterday, pursuant to NCD Authorizing Statutue and the NCD Bylaws, the NCD Chair is not authorized to supervise office staff; nor is the NCD Chair responsible for managing the day to day operations of the office. Per the statutue and the bylaws, the chairperson is responsible for the appointment, supervision, and at his/her discretion, **removal** of the Executive Director (only).

Stacey Brown is an employee under my supervision and it is inappropriate for you to involve my staff in your harassmement and retaliatory attacks against me. Furhtermore it is demaening and demoralizing for you to send such an unlawful and disrespectful email to my staff without having all the facts. As the NCD Chair and an Attorney I very concern over your intentional disregard for federal laws, regulations, and procedures.

My out of office was placed on due to these types of email distractions in order to allow me to close out the agency's annual budget. Julie Carrol was allowed to have her out of office email on for approximately three weeks while she allegedly dog trained and teleworked in NJ and you did not threatened her with this type of email. In fact you supported the endeavor.

Your threats are unwarranted and unlawful as you are acting outside the scope of your duties and the disrespect towards me in front of my staff is uncivil and displays a hostile work environment. Therefore I request that you cease and desist issuing any further communication to me through my staff and/or any other NCD employee.

Please note that the inappropriate email sent to Stacey Brown at 8:01 am will be forwarded to the appropriate governement officials shortly. If you have any questions in the absence of the NCD General Counsel, please consult with GSA.

-Sylvia

From: Stacey Brown
Sent: Tuesday, September 24, 2013 8:12 AM

To: Sylvia Jones
Subject: FW: URGENT NCD directive to Ms. Meniffee

FI Per your request.

From: Jeff Rosen
Sent: Tuesday, September 24, 2013 8:01 AM
To: Stacey Brown
Cc: Rebecca Cokley
Subject: FW: URGENT NCD directive to Ms. Meniffee

Stacey -

Please print this email in full and place it under Sylvia's door.

Thank you.

-Jeff

From: Jeff Rosen
Sent: Monday, September 23, 2013 3:20 PM
To: Sylvia Jones
Cc: Rebecca Cokley
Subject: URGENT NCD directive to Ms. Meniffee

Sylvia,

Our decision to stop reading emails or taking phone calls until September 25, 2013 is a gross neglect of your duty and will not be tolerated. I consider this to be a failure to perform the basic functions of your job. You are hereby directed to continue to read and respond to emails and telephone calls effective immediately. Failure to follow this direct order may lead to disciplinary action up to and including removal.

-Jeff

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2012.0.2242 / Virus Database: 3222/6194 - Release Date: 09/24/13

From: Jeff Rosen
Sent: Tuesday, September 24, 2013 8:24 AM
To: Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov); David Allen - WPG-C
Cc: Rebecca Cokley
Subject: RE: URGENT NCD directive to Ms. Meniffee

Sylvia was handed a hard copy and she asked Stacey to forward the email to her.

From: Jeff Rosen
Sent: Tuesday, September 24, 2013 8:06 AM
To: Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov); David Allen - WPG-C
Cc: Rebecca Cokley
Subject: FW: URGENT NCD directive to Ms. Meniffee

ritten notice has now been provided to her.

I also asked Stacey to let me know if she retaliates against him in any way.

From: Stacey Brown
Sent: Tuesday, September 24, 2013 8:03 AM
To: Jeff Rosen
Subject: RE: URGENT NCD directive to Ms. Meniffee

.

From: Jeff Rosen
Sent: Tuesday, September 24, 2013 8:01 AM
To: Stacey Brown
Cc: Rebecca Cokley
Subject: FW: URGENT NCD directive to Ms. Meniffee

Stacey -

Please print this email in full and place it under Sylvia's door.

Thank you.

-Jeff

From: Jeff Rosen
Sent: Monday, September 23, 2013 3:20 PM
To: Sylvia Jones
Cc: Rebecca Cokley
Subject: URGENT NCD directive to Ms. Meniffee

Sylvia,

our decision to stop reading emails or taking phone calls until September 25, 2013 is a gross neglect of your duty and will not be tolerated. I consider this to be a failure to perform the basic functions of your job. You are hereby directed to continue to read and respond to emails and telephone calls effective immediately. Failure to follow this direct order may lead to disciplinary action up to and including removal.

-Jeff

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.2242 / Virus Database: 3222/6194 - Release Date: 09/24/13

From: ebecca Co ley
Sent: Monday, September 0, 2010 1:1 PM
To: David Allen P C
Subject: FW: Julie Leave

See attached.

ebecca Co ley
Executive Director
National Council on Disability
111 F Street N Suite 0
Washington DC 2000
202 272 212 Voice
202 272 207
202 272 2022 Fax
co ley ncd.gov
Website: <http://www.ncd.gov>

Original Message
From: Julie Carroll
Sent: Tuesday, August 27, 2010 1:2 PM
To: ebecca Co ley
Subject: FW: Julie Leave

ebecca
This is a reasonable accommodation issue not an PM issue. It was negotiated between me and my supervisor.
Julie

Original Message
From: ebecca Co ley
Sent: Tuesday, August 27, 2010 1:21 PM
To: Julie Carroll
Subject: Re: Julie Leave

Keep me posted as to what she says. I'll reach out to PM too.

ebecca

Sent from my iPhone

On Aug 27, 2010 at 1:1 PM, Julie Carroll <JCarroll@ncd.gov> wrote:

Original Message

From: Sylvia Meniffee

Sent: Tuesday, August 27, 2013 1:12 PM

To: Julie Carroll; Robyn Powell

Subject: Julie Leave

Julie I need to check PM policy to see if you can be approved to telework on regular/consistent basis and on situational basis. To my knowledge you can only select one telework option i.e. regular or episodic both are considered medical telework however I will check the policy and get back to you with an answer soon.

It appears that we may have to update the form but for now use the current version Tracey can convert it for you.

Thank you

Sylvia Meniffee

Director of Administration

National Council on Disability

1115 F Street, N.W. Suite 100

Washington, D.C. 20004

Ph: 202 272 2111

Fax: 202 272 2022

smeniffee@ncd.gov

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e press permission. If you have received this electronic transmission in error please reply immediately to the sender that you have received the message in error and delete it. Thank you. The information contained herein does not reflect any official position or statement of the Members or staff of the National Council on Disability NC .

Original Message

From: Julie Carroll

Sent: Tuesday, August 27, 2013 2: 7 PM

To: Sylvia Meniffee; Robyn Powell

Subject: : Julie Leave

Sylvia

I need an accessible agreement form or staff assistance. My telework agreement included flexibility for additional telework if needed due to my health conditions.

Julie

Original Message

From: Sylvia Meniffee

Sent: Tuesday, August 27, 2013 2:2 PM

To: Julie Carroll; Robyn Powell

Subject: : Julie Leave

Hi Julie

Robyn's email to staff stated you were on leave for the day. Regarding telework ...I need an updated agreement on you. Per the 2010 agreement we have on file for you it

expired after 1 year...March 2011. The terms of the agreement was 2 days per month every other Monday.

Thank you

Shylvia Meniffee

Director of Administration

National Council on Disability

1115 F Street NW Suite 10

Washington DC 20004

Ph: 202 272 2111

Fa : 202 272 2022

smeniffee@ncd.gov <mailto:smeniffee@ncd.gov>

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Original Message

From: Julie Carroll

ent: uesday ugust 27 201 1: PM

o: ylvia Meniffee obyn Powell

ubject: : Julie Leave

I wor ed from home a conference call re planning regional forums emails setting up meetings and attending a webinar.

Original Message

From: ylvia Meniffee

ent: uesday ugust 27 201 1: 7 PM

o: obyn Powell

Cc: Julie Carroll

ubject: F : Julie Leave

Hi obyn

Julie was out for the entire day on /26. he attached leave slip only covers hours of sic leave versus hours. Please advise...

han you

ylvia Meniffee

Director of Administration

National Council on Disability

1115 F Street, N.W., Suite 100

Washington, D.C. 20004

Ph: 202 272 2111

Fax : 202 272 2022

smeniffee@ncd.gov <mailto:smeniffee@ncd.gov>

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From: obyn Powell

ent: uesday ugust 27 201 1: PM

o: ylvia Meniffee

Cc: Julie Carroll

ubject: Julie Leave

Hi ylvia

ttached is Julie s approved leave slip for /26/1 .

han s

obyn

No virus found in this message.

Chec ed by www.avg.com <http://www.avg.com>

From: Sylvia Menifee
Sent: Thursday, September 12, 2013 2:01 PM
To: Rebecca Cokley
Cc: Sylvia Menifee DrGerrie awkins
Subject: RE: Julie's telework plan

Rebecca,

Please provide me with information source and/or federal regulation for which you state you researched the issue in order to make your determination.

Sylvia

From: Rebecca Cokley
Sent: Wednesday, September 11, 2013 9:52 AM
To: Sylvia Menifee
Cc: Julie Carroll Joan Durocher Lynnae Ruttledge
Subject: Julie's telework plan

Sylvia

I have researched this issue and there is no prohibition in having a flexible telework arrangement with different types of telework. The acting Director of Policy has signed off.

Please process the agreement by COB 9/12/13 or provide me with specific reasons why it cannot be legally processed.

Rebecca Cokley
Executive Director
National Council on Disability
1331 F Street N , Suite 850
Washington, DC 20004
202-2 2-2124 Voice
202-2 2-20 4 TT
202-2 2-2022 Fax
Rcokley@ncd.gov
Website: <http://www.ncd.gov>

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.2242 / Virus Database: 3222/6159 - Release Date: 09/12/13

From: Jeff Rosen
Sent: Thursday, September 19, 2013 12:52 PM
To: Sylvia Jones
Cc: Rebecca Cokley
Subject: Ms. Carroll's telework

Sylvia,

I write in Ms Cokley's absence.

This is in regards to Ms. Carroll's telework plan. This was researched on OPM.gov at http://www.telework.gov/guidance_and_legislation/telework_guide/telework_guide.pdf. In addition they provided the following guidance to your specific question to Ms. Margaret Higgins, Human Resources Specialist, at GSA (202-501-364).

You are correct. While OPM's Telework Guide breaks down types of telework into two groups: 1) routine telework (telework that occurs as part of an ongoing, regular schedule, and 2) situational telework (telework approved on a case-by-case basis where the hours worked are not part of a previously approved, ongoing and regular telework schedule), our policy guidance only states that any employee who wishes to telework (regardless of type) must first complete telework training and have a written telework agreement in place (see page 4 of the Telework Guide). I might also add that the Telework Enhancement Act gave each Executive agency the exclusive authority to establish its own telework policy (subject to the limitations described in the law – e.g. written agreement). The language also specifically states the telework agreement is entered into between the manager and the employee and should outline the specific work arrangement that is agreed to between the two. This should ensure maximum flexibility is in the hands of the agency and manager in order to meet agency mission and operational/organizational needs. Remember one of the most common uses of situational telework is ‘unscheduled telework’ in the event of a weather related and other emergencies, which again lends further credence to the flexibility agencies and managers exercise in the use of telework as a strategic management tool. Thus in sum, unless GSA’s telework policy disallows the flexibility that is described in this scenario, each individual manager has the discretion to establish routine telework schedules and to modify those arrangements on a temporary/case-by-case basis to allow for situational telework to meet organizational needs. A caveat to this, of course, is a case in which an employee moves from a purely situational telework schedule to a routine telework schedule (or vice versa). In that case, the telework agreement should be modified to reflect permanent changes to the telework agreement.

I believe you would agree that an employee with an agreement for only regular telework, could telework during a weather emergency (situational).

Please process Ms. Carroll's telework agreement by COB 9-20-13 or provide me written regulations that prevent you from doing so.

-Jeff

From: Nick Rushizky
Sent: Friday, September 13, 2013 5:54 PM
To: Rebecca Cokley; Robyn Powell
Subject: Email request
Importance: High

I got a call this afternoon from my boss at Global Networkers, William Aygood, informing me that he'd been contacted by Sylvia. He put it as being very strictly told by Sylvia to make sure I comply with a FOIA request for emails which I apparently will be seeing next week.

I don't know the proper legal channels for how this is supposed to be handled, and I want to make sure I'm doing it properly. I'm betting that letting you know is the right start.

If there's anything else I need to do, please let me know. You can also call me whenever you need – 202-841-2616.

Nick

From: William Haygood <whaygood@globalnetworkers.com>
Sent: Thursday, September 19, 2013 2:18 PM
To: David Allen - WPG-C
Cc: Lisa Brown-Gilmore - CPWA; Rebecca Cokley
Subject: RE: documenting your conversation with Ms. Sylvia Meniffee

David,

Thanks for your time. In reference to the aforementioned conversation with Sylvia Meniffee Jones, I was contacted last week by Sylvia. She was working from home, so I didn't recognize the number as it was blocked to my mobile phone. She told me that she was working from home, but wanted to make me aware of a situation. She said that we would receive a request dealing with the Freedom of Information Act. As my COTR, she wanted to discuss with me versus my onsite consultant (Nick Rushizky) according to contract. She said that she wanted me to tell Nick to follow the law and provide the information requested of him. She didn't say what or when the information would be, but wanted to remind me to remind him that we needed to follow the law and provide the requested information.

I let Nick know that very thing on Friday and that I was coming to meet with Sylvia on Monday to discuss contract performance. He was unaware of this FOIA request at that time and said of course he would follow what was asked of him.

We, as a company nor Nick, have a history of not being compliant with requests. I felt comfortable letting Sylvia know that whatever was requested would be provided –as always.

That's all the detail I have of the conversation. If you or Ms. Cokley have additional questions, concerns, or requests, we will be happy to comply. I would like to request that I be made aware of conversations that are being had directly with Nick Rushizky in reference to anything having to do with a legal matter as Nick is my employee (and has been for a long time) but he is not authorized to respond to legal inquiries on behalf of Global Networkers and the status of our contract. He, of course, can answer questions requested of him that may aid you in any way, but I would like to be aware of the context as this has the potential of being a stressful situation at his workplace.

Thanks so much for your time and consideration.

Sincerely,
William

William Haygood, President & CEO
Global Networkers
(704) 343-0094 ext. 202
(704) (b) (5) (mobile)



<http://www.globalnetworkers.com>

From: David Allen - WPG-C [<mailto:david.allen@gsa.gov>]
Sent: Tuesday, September 17, 2013 9:54 AM
To: William Haygood
Cc: Lisa Brown-Gilmore - CPWA; Rebecca Cokley
Subject: documenting your conversation with Ms. Sylvia Meniffee

I appreciate you taking the time to talk to me this morning.

(b) (5)

thanks

--

David Allen
Employee Relations Specialist
301st Street S
Room 1619
Washington, DC 2040

David.Allen@GSA.gov

202 6 0 7

F 202 20 2 6 Please call or email if facing so that I can retrieve it

**National Council
on
Disability**

**Administrative
Policies and Procedures
Manual**

**Revised and Approved
April 17, 2007**

Chapter 14

Disciplinary

And

Adverse Actions

General Provisions

Statutory and Regulatory Provisions

The statutory provisions for this Chapter are found in Chapters 5 and 6 of Title 5 of the U.S. Code. OPM regulations are found in Parts 52 and 61 of the Code of Federal Regulations.

Definitions

Words and phrases used have the same meaning and applications that they have in the statutory and regulatory provisions cited above.

NCD Policy

NCD shall not take any disciplinary or adverse action against employees covered by this Chapter except for such cause as will promote the efficiency of the service (including discourteous conduct to the public).

NCD subscribes to the concept of progressive discipline, where warranted.

Progressive Discipline

Progressive discipline is explained as follows:

Some misconduct, in and of itself, may not be sufficiently grave or serious to warrant removal, or even a severe disciplinary action to achieve the objective of correcting the conduct of an employee or group of employees.

Typical of such offenses are tardiness, absenteeism, abuse of sick leave, etc. In such cases, the least severe corrective action deemed adequate to achieve the desired result and proportionate to the offense should be used. If correction is not achieved, then more severe disciplinary action is warranted for each repetition.

Progressive discipline for relatively minor offenses is warranted on the premise that the lesser disciplinary action did not achieve its objective of correcting the conduct of the employee.

While each incident, in and of itself, may not warrant termination of employment for the offense, the ultimate penalty in progressive discipline is removal. The concept of progressive discipline does not preclude going directly to removal in those cases where the employee misconduct is so serious as to warrant it.

Choice of Action

Policy Guidance

Determining which personnel action will promote the "efficiency of the service" in individual cases is the function and responsibility of NCD management.

The supervisors must determine the legitimate conduct expected of individual employees as they relate to the accomplishment of the NCD mission.

NCD adverse actions used as a means of correcting employee misconduct shall be applied consistent with the principle that the penalty shall match the offense.

Guidelines

The following guidelines explain the factors for consideration in an NCD penalty selection for adverse actions.

- The nature and seriousness of the offense, and its relation to the employee's duties, position and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated
- The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position
- The employee's past disciplinary record
- The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability
- The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisor's confidence in the employee's ability to perform assigned duties
- Consistency of the penalty with those imposed upon other employees for the same or similar offenses
- The notoriety of the offense or its impact upon the reputation of the agency.
- The clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question
- Potential for the employee's rehabilitation

- Mitigating circumstances surrounding the offense and
- The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee.

Not all these factors apply in every case. Thus, management must consider the relevant factors given the circumstances of each individual case, and strike a responsible balance within tolerable limits of reasonableness.

The MSPB stresses that management should not evaluate the relevant factors "mechanistically" by formula.

Employee Comment

NCD employees shall be afforded an opportunity to express their views in the development of, operations under, or changes in disciplinary and adverse action procedures established under this Chapter. However, management reserves the right to determine the policy and procedures that are included in this Chapter.

Authority and Responsibility

The Executive Director is responsible for issuing such procedures as necessary to implement NCD regulations.

The first level supervisor is the proposing official for all adverse actions. The deciding official for all adverse actions is the second level supervisor or higher level official. Adverse actions must be documented by a Standard Form-50.

Records and Reports

Records

OPM and MSPB regulations require that certain records be maintained by the agency and made available to the employee and to the MSPB upon request. (See 5 CFR 52.406) and 1201.25(a)(4)).

The official file compiled by the agency should contain the documentation the agency will use in support of its position upon appeal, or upon review by the Board, an arbitrator, the Equal Employment Opportunity Commission, the Special Panel or the Courts.

Support File

When an action is proposed against an employee, the agency shall establish a support file.

This file shall contain all original documentary evidence relevant to the action being proposed.

A photocopy of the original support file should be maintained for management use in the event the support file is requested by outside authority.

Contents of the File

At a minimum, a support file must contain the following:

- a. A copy of the notice of proposed action
- b. The employee's written answer along with any affidavits and other documents
- c. A written summary of any oral answer including any documentation submitted
- d. A copy of the decision
- e. A copy of any document giving effect to the decision action
- f. Any material in support of the action. (5 U.S.C. 513(e)).

Admonishments/Reprimands

Written Admonishments

Written admonishments may be used when an employee's conduct or performance is less than acceptable and it is probable that a written warning will result in improvement.

A copy is retained by the supervisor, pending resolution of the problem but is not filed in the Official Personnel Folder (OPF). The copies are destroyed as soon as they have served their purpose unless the incident is to be used as a basis for further action.

An employee who receives an admonishment letter may submit a grievance for review of the merits of the admonishment action taken. Since an oral admonishment is a corrective measure, the confirmation should contain information in sufficient detail to serve the purpose.

Admonishments usually are issued by the immediate supervisor. However, where appropriate other supervisors in the chain of command may issue an admonishment.

Written Reprimand

A reprimand is a written warning to an employee whose conduct or performance is of such a serious nature that it cannot be condoned or tolerated. It warns the employee that

further misconduct or inefficiency can result in an adverse action or other corrective action.

The reprimand letter must contain full particulars of the matter for which the employee is being reprimanded. An employee may answer in writing to the charges contained in the reprimand.

The reprimand and any answer submitted by the employee will be filed on the left hand (temporary) side of the Official Personnel Folder (OPF) for a minimum of one year but not to exceed three years.

At the end of the three years, the reprimand must be removed from the OPF and disposed of in accordance with record disposal requirements.

Any time before the expiration of the three-year period that the presence of the reprimand is no longer considered warranted, it shall be removed by the supervisor or other person in line of authority over the employee or upon appropriate award in a grievance action.

Reprimands may be issued by immediate supervisor without initiating a proposal. For various reasons, officials higher in the chain of command may issue a reprimand.

Suspensions

Suspensions of 14 Days or Less

NCD may take action under this paragraph to place an employee, for disciplinary reasons, in a temporary status without duties or pay not to exceed 14 calendar days (5 CFR 52.201(c)).

For purposes of actions under this paragraph only, an employee means an individual in the competitive service who is not serving a probationary or trial period under an initial appointment or who has completed one year of current continuous employment in the same or similar positions under other than a temporary appointment limited to one year or less (5 CFR 52-201(b)(1)).

The provisions of this paragraph also apply to an employee with competitive status who occupies a position under Schedule B of Part 213 (5 CFR Part 213).

Exclusions

This chapter does not apply to suspensions under the following:

- a. 5 U.S.C. 521 (Administrative Law Judges)
- b. 5 U.S.C. 532 (National Security Reasons)

- c. 5 .S.C. 1206 (Action by Complaint of the Special Counsel)
- d. A statute (other than in Title 5, .S.C.), which excepts the action from Subchapter I, Chapter 5 of Title 5, .S.C.
- e. An action based on any reason prohibited by 5 .S.C. 2302 (Prohibited Personnel Practices).

Advance Notice

An employee against whom a suspension is to be proposed is entitled to an adverse written notice stating the specific reasons for the intended action.

The advance notice shall contain other information appropriate to the circumstances of the action, e.g., length of suspension, the person to whom to send a written answer or to contact for an oral answer, where any support file may be reviewed and the time by which any answer must be submitted. (5 .S.C. 503(b)(1) and CFR 52.203(b).

A notice of suspension should contain reasons and specifications. Reasons should be given to the employee indicating why the behavior is not appropriate and cite regulations, and standards of conduct.

Suspensions- Employees Answer/Representation

Employee's Answer

An employee who has received such an advance notice is entitled under 5 .S.C. 503(b)(2) to "reasonable time" to answer orally and in writing and to furnish affidavits and other documentary evidence in support of the answer.

No fixed period of time is prescribed under law for answering the advance notice but 5 CFR 52.203(c) provides that the answer period may not be less than 24 hours.

Although the answer period and the advance notice period run concurrently, they are treated as separate entities.

The deciding official for the action may receive the employee's oral answer or may designate in writing another official to receive it.

The written designation should direct the designated official to present, to the deciding official, a summary of the employee's oral answer and the designated official's findings, conclusions and recommended decision.

The employee is entitled upon request to review the official file in support of the proposed action in order to prepare and present oral and written answers. (5 .S.C.

503(c) and 5 CFR 52.203(f))

Employee Representation

An employee is entitled under law, 5 U.S.C. 503(b)(3), to be represented by an attorney or other representative while under an advance notice.

However, an agency may, under regulation 5 CFR 52.203(d) disallow the employee's representative if the representative is an individual whose activities as a representative would cause a conflict of interest or position or an employee of the agency, whose release from official duties would give rise to unreasonable costs to the Government or whose primary work assignments preclude such release. (5 U.S.C. 114(a)(5))

Decision Notice

Decision Notice

The employee is entitled to a written decision, at the earliest practicable date, containing the specific reasons for the decision. (5 U.S.C. 530(b)(4))

In arriving at its decision the agency shall consider only the reasons specified in the advance notice and shall consider any answer of the employee and the employee's representative made to a designated official.

The agency shall deliver the notice of a decision at or before the time the action will be effective. (5 CFR 52.203(e))

The notice of decision shall advise the employee of grievance rights through the NCD grievance system or the negotiated grievance procedures.

Adverse Actions Procedures

Coverage

The following actions are covered by this paragraph:

- Removal
- Suspension for more than 14 days
- Reduction in grade
- Reduction in pay
- Furlough of 30 days or less (5 U.S.C. 512)

- An action based solely on nonperformance-related factors
- An action that involves both performance and nonperformance-related factors (5 CFR 52.401)

Employees

For purposes of this paragraph only, employee means an individual in the competitive service who is not serving a probationary or trial period under an initial appointment, or who has completed one year of current continuous employment under other than a temporary appointment limited to one year or less and a preference eligible in an Executive Agency in the excepted service who has completed one year of current continuous service in the same or similar positions. The following employees are covered:

- a. An employee covered by the definition above (5 S.C. 511(a)(1)(A))
- b. An employee whose rate of basic pay is fixed by law or administrative action for the position held by the employee
- c. An employee with competitive status who occupies a position in Schedule B of 5 CFR 213.

Advance Notice

An employee against whom an action is proposed is entitled to receive a written notice not less than 30 days in advance of the effective date of the proposed action. (5 S.C. 513(b)(1))

However, if there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed, the proposed action may be effected in less than 30 days from receipt of the advance written notice provided the other procedural requirements are met. (5 CFR 52.404(d))

(See Checklist for Notice of Proposed Adverse Action in Exhibit A.)

Notice of Proposed Adverse Action Checklist

NOTICE OF PROPOSED ADVERSE ACTION CHECKLIST

1. Is the employee properly identified in the notice?

Name, position, pay schedule, series, grade, organizational location.

2. Does it state the specific action proposed?

If the action proposed is a suspension or furlough the exact number of calendar days should be specified. If a reduction in grade, the positions from and to which the employee is being moved must be clearly identified. If a removal, it should be clear that the removal is from the service, not just the position. wording such as "suitable corrective action", etc. does not sufficiently identify the proposed action.

3. Does it indicate that any adverse action decided upon will be effective no earlier than 30 calendar days from the employee's receipt of the notice (unless the crime provision or emergency furlough procedures are applied)?

4. Is it actually a notice of proposed action?

If there is a single phrase such as "it has been decided to remove" or "you will be removed", the notice is no longer of a proposed action and may violate legal and regulatory requirements.

5. Are the specific reasons for the proposed action stated?

The law requires that the specific reasons for a proposed adverse action must be stated so that the employee may respond adequately. A good method of determining whether a proposal meets this requirement is by asking these questions: Does the letter tell the employee specifically what he or she supposedly did (or failed to do) when and where the action supposedly occurred and who else was involved? If offenses are titled, does the narrative of the offense clearly support the identified charge?

6. Do the reasons given establish a "cause" for the proposed action?

Is the offense clearly a violation of a standard of conduct? What is the impact of the offense? Nexus?

. If past disciplinary action is cited, is it clearly indicated that it is a consideration at arriving at the penalty and not a cause for action?

8. If past disciplinary action is cited, does it meet the following criteria?

as the employee informed of the action in writing? as the employee given the opportunity to dispute the action taken by having it reviewed on the merits by an authority different from the one that took the action? as the action made a matter of record? If not, the reference to the past record must be specific enough to offer the employee a fair opportunity to refute the reasons.

9. Is the action proposed consistent with agency policy or practice, or the agency penalties?

10. Are other factors considered in arriving at the proposed penalty identified and discussed if appropriate?

Past work record, notoriety, alternative sanctions, etc.

11. Does the notice clearly tell the employee of his/her right to be represented by an attorney or other representative?

It may also be advisable to describe the basis on which the agency would disallow a particular representative (e.g., conflict of interest of position).

12. Does the notice inform the employee of his or her "right" to review the material on which the proposal was based and which is relied on to support the reasons in the notice of proposal?

13. Does the notice tell the employee where the material relied on to support the reasons in the notice can be reviewed?

14. Does the notice clearly indicate the employee's right to answer both orally and in writing, and to furnish affidavits and other documentation?

Do agency regulations provide for a hearing in lieu of, or in addition to, the right to reply?

15. Does the notice provide a reasonable amount of time to answer?

The amount of time provided depends on the complexity of the reasons for the proposed action. Part 52-D provides a reasonable time but not less than 5 days to answer (unless an emergency furlough is involved). It is advisable to indicate that consideration will be given to a request for additional time to answer. If such a statement is included, the employee cannot later allege that he or she was not aware that additional time might be given.

16. Does the notice provide for an appropriate amount of official time to prepare the answer(s) to the advance notice?

The employee, if in an active status, is entitled to a reasonable amount of official time to prepare his or her answer(s) to the proposed action including reviewing the materials relied on by the agency to support the reasons in the notice in actions.

17. Does the notice tell the employee where to reply?

18. Does the notice identify the designated official to whom the employee is to make his/her reply?

The designated official must have authority to recommend or make a final decision on the proposed adverse action and must also be administratively superior to or organizationally separate from the employee.

19. Does the letter tell the employee what his or her duty status will be during the notice period? Is any leave clearly voluntary?

If the employee is suspended during the notice period, the suspension is considered a separate action subject to appropriate procedural requirements.

20. If the notice period is shortened under the crime provision, do the reasons for the proposed action support the use of the crime provision?

21. Does the notice of proposed action comply with nondiscretionary agency regulations?

The agency must comply with its own regulations (including negotiated procedural requirements), as well as those established by the Office of Personnel Management in order for an action to be procedurally correct.

Exclusions

Exclusions

- a. Suspension or removal under 5 U.S.C. 532 (National Security)
- b. Reduction-in-force action under 5 U.S.C. 3502
- c. Reduction in grade of a supervisor or manager who has not concluded the probationary period under 5 U.S.C. 3321(a)(2), if the reduction is to the grade held immediately before becoming such a supervisor or manager
- d. A reduction or removal under 5 U.S.C. 4303
- e. An action initiated under 5 U.S.C. 1206 (Complaint of the Special Counsel) or 5 U.S.C. 521 (Removal of Administrative Law Judge)

- f. Action taken under provisions of statute, other than one codified in Title 5, United States Code, which excepts the action from Subchapter II, of Chapter 5, of Title 5, U.S.C. (see 5 CFR 52.401(c)(1)-(10))
- g. Action which entitles an employee to grade retention under 5 CFR Part 536, and an action to terminate this entitlement
- h. A voluntary action initiated by the employee
- i. Action taken or directed by the OPM under 5 CFR Part 31, or Part 54
- j. Involuntary retirement because of disability under 5 CFR Part 831
- k. Termination of appointment on the expiration date specified as a basic condition of employment at the time the appointment was made
- l. Termination of a temporary promotion within two years returning the employee to the position from which promoted or to a position not at a lower grade level than the position from which promoted
- m. Termination of a term promotion at the completion of the project or specified period, or at the end of a rotational assignment in excess of two years but not more than five years and return of the employee to the position from which promoted or to a position of equivalent grade and pay in accordance with 5 CFR 335.102(g)

Exclusions/Employees

Exclusions

- n. Cancellation of a promotion from a position not classified prior to the promotion
- o. Placement of an intermittent, part-time, seasonal employee in a non-duty, non-pay status in accordance with pre-appointment conditions
- p. Reduction in pay from a rate contrary to law to a rate required or permitted by law.

Employees

This paragraph does not apply to an employee:

- whose appointment is made by and with the consent of the Senate

- whose position has been determined to be of a confidential, policy-determining, policy-making or policy advocating character by the OPM for a position that it has excepted from the competitive service or the President or the head of an agency for a position which is excepted from the competitive service by statute
- who is a reemployed annuitant
- who is a Presidential appointee.

Employee's Answer

Employee's Answer

The agency must give the employee a reasonable amount of official time to review the material relied upon to support its proposal and to prepare written and oral answers and to secure affidavits, if otherwise in an active duty status.

(5 CFR 52.404(c))

The agency must require the employee to furnish the answers within such time as under the circumstances would be reasonable but not less than seven (7) calendar days, even when invoking the crime provision.

(5 U.S.C. 513(b)(1) and (2) and 4 CFR 52.404(d)(1))

When the circumstances are such as to require immediate action to relieve the employee from active duty status, an agency may place the employee in a non-duty status with pay for such time, not to exceed ten calendar days, as may be necessary for the employee to prepare and present answers to an advance notice proposing an adverse action.

(5 CFR 52.404(d)(3))

The organizational element shall designate an official to hear the employee's oral answer who has authority to make or recommend a final decision on the proposed adverse action.

The right to answer orally in person does not include the right to a formal hearing with an examination of witnesses.

(See Employee's Answer Checklist)

Employee's Answer Checklist

EMPLOYEE'S ANSWER CHECKLIST

1. Did the employee answer orally and/or in writing?

The answer, when in writing, and a summary of any oral answer, are to be made a part of the record.

2. Was a hearing held in lieu of, or in addition to, the opportunity to answer orally and in writing?

A summary of the hearing (or a transcript) would be required as part of the record.

3. When did the employee answer?

Lateness of reply, so long as it was received before the notice of decision was dispatched, would not serve as a basis for refusing to consider it.

4. Did the employee ask for an extension of time in which to reply?

5. If an extension was requested, was it granted?

6. If a request for extension was not granted, was there a valid reason for denial of the request?

In any case where an employee's request for an extension of time is denied, it creates the possibility that the employee's rights were jeopardized by inability to present the best possible defense. However, where a request for extension was obviously based upon insufficient reasons, or upon the employee's failure to pursue his or her defense diligently, reversal is not required. On the other hand, where the employee's request was based upon a reasonable explanation of circumstances that would impair his or her ability to reply, then denial of the request for extension usually constitutes error, which normally results in reversal.

Was the employee denied an opportunity to make an oral answer to the person named to receive such reply?

The employee is entitled to answer orally in addition to answering in writing. A denial of this right would constitute harmful error. It is not necessary to permit the employee to answer orally to someone he or she selects. It is required that he or she be permitted to

answer orally to the person designated in the notice of proposed adverse action.

8. Does the record reflect that the employee's answer was actually considered?

A determination that an answer was considered is not made solely on the basis of a statement in the decision, which says in effect, "after consideration of your answer". There must be a review behind such a statement. In most cases the presence of, or absence of, real consideration can be determined from a review of internal memos or other correspondence, which led up to the decision, and a careful review of the decision in terms of the reasons and the answer. However, there will be cases where the extent of consideration can be determined only by a review of the total record. A showing that a reply did not receive full consideration would constitute a harmful error.

9. Have any additional requirements imposed by agency regulations, including negotiated procedural requirements, been complied with?

Employees' Right of Appeal

Merit Systems Protection Board (MSPB)

The appeal must be in writing on the appropriate form and shall set forth the employee's reasons for contesting the adverse action, with such offer of proof and pertinent documents as the employee is able to submit.

An employee may submit an appeal at any time after receipt of the notice of decision on the adverse action but no later than 20 days after the effective date of the adverse action.

The Merit Systems Protection Board may extend the time limit on an appeal when:

- The appellant shows notification of the time limit was not received and the appellant was not otherwise aware of it, or
- Circumstances beyond the individual's control prevented an appeal within the time limit.

The applicable procedures for filing such appeal are found in the regulations of the Board. (See Exhibit E)

MSPB Decisions

NCD must comply with the Board's recommendation in an appellate decision except:

- (1) When it files a petition for review of the case to the Secretary of the Merit Systems Protection Board, Washington, D.C. 20419, or

- (2) When the Board reopens the case on its own motion within 35 days after issuance of the decision.

A petition for review may also be filed within 35 days of issuance of the initialed decision.

Employee Review Rights

Criteria for Appeal to the Secretary of the MSPB

All NCD petitions to the Secretary, MSPB shall contain one of the following:

- a. New and material evidence available that was not readily available when the decision of the presiding official was issued
- b. The previous decision of the presiding official involving an erroneous interpretation of law or regulation, or a misapplication of established policy or
- c. The decision of the presiding official involving new or unreviewed policy considerations of a precedential nature may have effect beyond the case at hand.

Review Rights

An employee may request review of a suspension action or letter of reprimand under an applicable agency administrative grievance system or file a complaint of discrimination under the EEO procedures.

A request for review must be filed with the time limits specified in the procedure or the system beginning with the day after the effective date of the suspension or reprimand.

A request for review under the negotiated procedure does not operate to stay the time limits for requesting a review under the agency system.

An employee who has been suspended for 14 days or less or received a letter of reprimand has no right of appeal to the MSPB.

Allegations of Discrimination

Types That May Be Appealed

An employee removed or otherwise adversely affected under the provisions of 5 U.S.C. 513 and 5 CFR Part 52, Subpart D, may allege that a basis for the action was discrimination prohibited by:

- a. Civil Rights Act of 1964 (42 U.S.C. 2000e-16c)
- b. Fair Labor Standards Act of 1938 (29 U.S.C. 206(d))
- c. Rehabilitation Act of 1973 (29 U.S.C. 791)
- d. Age Discrimination in Employment Act of 1967 (29 U.S.C. 631, 633a) or
- e. Any rule, regulation or policy directive prescribed under any provision of law described in subparagraphs (a) and (d) immediately above.

Employee's Answer

When an allegation of discrimination is made in connection with an action proposed under this paragraph, any information or evidence submitted orally or by document by the employee or the employee's representative shall be made part of the record of the employee's answer to the advance notice.

Such information shall be given appropriate consideration by the deciding official, along with other supporting and rebuttal information and evidence in the file in reaching a decision, in order to avoid harmful error.

If the decision on the advance notice is to take action against the employee, prior consultation with the appropriate Equal Employment Opportunity Officer should take place.

Review by Agency

Allegations Of Discrimination

Such an allegation, in connection with an action otherwise appealable to the MSPB, may be processed first by the agency under 29 CFR Part 1613 and later, under the MSPB appeal procedures.

Agency Review

Where the appellant has been subject to an action appealable to the MSPB, he/she must either file a timely complaint of discrimination with the agency or appeal to the MSPB within 20 days after the effective date of the agency action being appealed.

If the employee chooses to go the (agency) route, he/she may not concurrently appeal to the MSPB.

If the employee appeals first under the MSPB procedures, the MSPB will assume

jurisdiction of the discrimination complaint and resolve that issue in its decision (see subparagraph below concerning MSPB processing mixed cases see also 5 CFR Section 1201.151 through 1201.156).

When an employee appeals under Part 1613, the agency has 120 days to resolve the appeal (see 5 U.S.C. 1202(a)(2) and 5 CFR 1201.154(a)(2)).

Employee Right to Appeal Agency Decision

If dissatisfied with the agency decision, the appellant may further appeal the matter to the MSPB within 20 days after receipt of the agency decision (see subparagraph immediately above), or the appellant may within 30 days of receipt of the agency decision, file for judicial review of the decision in accordance with the provisions of applicable legislation (see 5 U.S.C. Section 1203(b)(2)).

If the employee files his appeal with the agency under Part 1613 and the agency has not issued its final appeal decision within 120 days following the filing, the appellant may then petition the MSPB for a review of the case but such a petition must be filed with the MSPB within one year of the date the appeal was filed with the agency or lose the MSPB appeal rights.

Equal Employment Opportunity Commission (EEOC)

Employee Appeals to EEOC after MSPB Decision

Discrimination allegations in connection with an action appealed to the MSPB are resolved by the MSPB in its decision on the appeal.

The MSPB decision is the final decision on the appeal as of the date provided in the decision unless the employee petitions the Equal Employment Opportunity Commission (EEOC) by that date to review the MSPB decision.

Employee Appeal to EEOC

Upon receipt of a petition for review of an MSPB decision, the EEOC has 30 days in which to determine whether to review the decision.

Review Of MSPB Decision

If it decides to review the decision, the EEOC within 60 days following such determination considers the entire record of the MSPB proceedings and then either

concur in the decision of the Board or issues to the MSPB its own (EEOC) decision on the appeal which differs from the MSPB decision to the extent that it is a matter of law.

Incorrect Interpretation of law

The MSPB decision constitutes an incorrect interpretation of law, rule, regulation or policy directive as provided in 5 .S.C. 02(a)(1)(B) (cited in subparagraph d(1)).

Not Supported by Evidence

The decision involving such a provision is not supported by the evidence in the record as a whole.

EEOC Review

Joint Action

If the EEOC concurs in the MSPB decision, the decision becomes the final decision of the Board and the appellant may, within 30 days of receipt of the final decision, file for judicial review in accordance with provisions of applicable legislation (see 5 .S.C. Section 03(b)(2)).

EEOC/MSPB

If the EEOC does not concur in the decision of the MSPB and issues its own decision, the MSPB may, within 30 days, concur and adopt the whole decision of the EEOC, in which case it becomes the final decision of the MSPB to the appellant and judicially reviewable.

In the alternative, if the MSPB does not concur in the decision of the EEOC, the Board shall (to the extent that it (the Board) finds that as a matter of law the EEOC decision constitutes an incorrect interpretation of any provision of any civil service law, rule, regulation or policy directive or to the extent that the EEOC decision involving such provision is not supported by the evidence in the record as a whole), reaffirm the initial decision of the Board or reaffirm the initial decision of the Board with such revisions as it determines appropriate.

If the EEOC and the MSPB do not agree upon a decision, the matter shall be immediately referred to a Special Panel for resolution (5 .S.C. 02(d)).

Special Panel

The Panel, authorized by 5 .S.C. 02(d)(6), consists of :

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:Rebecca.Cokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](mailto:Lisa.Brown-Gilmore-CPWA)
Date: 10/25/2013 1:39:02 PM
Subject: Re: A&F Meeting

(b) (5)
aaaaaaaaack!!!

Sent from my iPad

On Oct 25, 2013, at 1:35 PM, "Lisa Brown-Gilmore - CPWA" <lisa.gilmore@gsa.gov> wrote:

(b) (5)

Begin forwarded message:

From: Gary Blumenthal <GBlumenthal@ncd.gov>
Date: October 25, 2013, 1:26:29 PM EDT
To: Sylvia Jones <sjones@ncd.gov>
Cc: "Lisa Brown-Gilmore - CPWA, (lisa.gilmore@gsa.gov)" <lisa.gilmore@gsa.gov>, Jeff Rosen <jrosen@ncd.gov>, Rebecca Cokley <rcokley@ncd.gov>, Pam Holmes <PHolmes@ncd.gov>, Ari Neeman <ANeeman@ncd.gov>, Kamilah Martin-Proctor <KMartin-Proctor@ncd.gov>, "Lynnae Ruttledge" <lruttledge@ncd.gov>, Stephanie Orlando <SOOrlando@ncd.gov>, "Clyde Terry" <CTerry@ncd.gov>
Subject: RE: A&F Meeting

I understand that Sylvia was in today, but apparently has left the office for the day. As the A&F Chair, I need the Director of Administration to respond to my emails and phone calls. That has not been the case since the end of the past fiscal year.

I am also concerned that it is unclear what duties, Sylvia feels she will respond to or not respond to.

She seems to have isolated herself with diminishing duties and responsibilities. Additionally we have been paying for a temporary support person, with Sylvia's diminished responsiveness is likely not doing much.

I would suggest we review whether we wish to continue this temporary employee given the fact that Sylvia appears to be non-responsive and likely not in need of a full time temporary associate.

From: Gary Blumenthal
Sent: Friday, October 25, 2013 7:34 AM
To: Sylvia Jones
Cc: Lisa Brown-Gilmore - CPWA, (lisa.gilmore@gsa.gov); Jeff Rosen; Rebecca Cokley; Pam Holmes; Ari Neeman; Kamilah Martin-Proctor; Lynnae Ruttledge; Stephanie Orlando; Clyde Terry
Subject: A&F Meeting

Sylvia,

Please prepare a memo for the A&F Committee detailing the allegations of fraud that have referenced previously in need of corrective action. Please indicate what corrective action needs to be executed. I would request receipt of this document by Wednesday, October 30, 2013. When I receive the memo, I will schedule a meeting with the A&F Committee to review, in which we would review these concerns with you.

Also by the end of today, I would renew my request for an update on reimbursement status for members, as well as payroll. I and others have not received reimbursements due, nor scheduled payroll payment due today.

Also, by the end of today, I request for the third time that you respond to my request for the contact information for NCD's auditors. In light of your failure to notify me of the first entrance meeting as you were directed, I would appreciate this information immediately.

Gary

Sent from my Verizon Wireless 4G LTE smartphone

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](#)
Date: 12/19/2013 8:47:20 AM
Subject: Fwd: Pay for (b) (6)

Sent from my iPhone

Begin forwarded message:

From: Sylvia Jones <sjones@ncd.gov>
Date: December 19, 2013 at 7:41:28 AM EST
To: Maurice Hubbard - CPW <maurice.hubbard@gsa.gov>, Rebecca Cokley <rcokley@ncd.gov>
Cc: Sylvia Jones <sjones@ncd.gov>
Subject: RE: Pay for (b) (6)

Maurice,

Thanks for forwarding.

Sylvia

From: Maurice Hubbard - CPW <maurice.hubbard@gsa.gov>
Sent: Wednesday, December 18, 2013 5:16 PM
To: Rebecca Cokley
Cc: Sylvia Jones
Subject: NCD: Pay for (b) (6)

Ms. Cokley,

(b) (6) contacted us to advise that she has not received pay for work she performed during October 2013.

We do not have access to ETAMS records, so please contact (b) (6) . . . thank you.
Happy Holidays!
- Maurice

//signed//
MAURICE A. HUBBARD
Senior Human Resources Specialist
Presidential & Congressional Boards and Commissions
Washington Area Operations Center

General Services Administration
301 7th Street SW Room 1009
Washington DC 20407-0002
Telephone (202) 205-8093
FAX (202).708-5377

CONFIDENTIALITY NOTICE:

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On Tue, Dec 17, 2013 at 12:03 PM, Rebecca Cokley <rcokley@ncd.gov> wrote:

Maurice

Have the time off awards been inputted into the system?

Rebecca Cokley
Executive Director
National Council on Disability
1331 F Street NW, Suite 850
Washington, DC 20004
[202-272-2124](tel:202-272-2124) Voice
[202-272-2074](tel:202-272-2074) TTY
[202-272-2022](tel:202-272-2022) Fax
Rcokley@ncd.gov
Website: <http://www.ncd.gov>

From: Rebecca Cokley
Sent: Thursday, December 12, 2013 1:41 PM
To: 'Maurice Hubbard - CPW'
Subject: RE: Time off awards

Maurice,

Please let me know once they've been processed.

Thank you.

Rebecca Cokley
Executive Director
National Council on Disability
1331 F Street NW, Suite 850
Washington, DC 20004
[202-272-2124](tel:202-272-2124) Voice
[202-272-2074](tel:202-272-2074) TTY
[202-272-2022](tel:202-272-2022) Fax
Rcokley@ncd.gov
Website: <http://www.ncd.gov>

From: Maurice Hubbard - CPW [<mailto:maurice.hubbard@gsa.gov>]
Sent: Thursday, December 12, 2013 1:35 PM
To: Rebecca Cokley
Subject: Re: Time off awards

Thank you.

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:Rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA \(lisa.gilmore@gsa.gov\)](mailto:lisa.gilmore@gsa.gov)
Date: 12/3/2013 1:19:30 PM
Subject: FW: FW: Administation and Audit Meeting Minutes

Help.

Rebecca Cokley
Executive Director
National Council on Disability
1331 F Street NW, Suite 850
Washington, DC 20004
202-272-2124 Voice
202-272-2074 TTY
202-272-2022 Fax
Rcokley@ncd.gov
Website: <http://www.ncd.gov>

From: jonathan.kuniholm@gmail.com [mailto:jonathan.kuniholm@gmail.com] **On Behalf Of** Jonathan Kuniholm
Sent: Tuesday, December 03, 2013 12:09 PM
To: Sylvia Jones; Rebecca Cokley
Cc: Kamilah Martin-Proctor; Pam Holmes; Ari Neeman; Lynnae Rutledge; Jeff Rosen; Robyn Powell
Subject: Re: FW: Administation and Audit Meeting Minutes

Rebecca

Please clarify what, if any, responsibilities Ms. Jones retains that fall under the oversight of this committee.

Thanks,
Jon

Dear Audit and Finance Committee,

The purpose of this email is to notify you that it was brought to my attention on yesterday that Rebecca Cokley and Jeff Rosen removed me as the point of contact for NCD's 2013 Audit and made a request of the Auditor's to cease contact with me. This information was not communicated to me by the Executive Director or the Audit and Finance Chair.

I was also made aware that on November 20, 2013 NCD management to include the former Audit and Finance Chair Gary Blumenthal met with Auditors and excluded me from the meeting as the Director of Administration despite my position playing a key role in the audit process.

It is my belief that both acts were intentional acts of retaliation to influence the outcome of the audit due to protected disclosures that I've made to government officials under the Whistleblower Protection Enhancement Act of 2012. This email is also a note for the record to document that I have informed the appropriate agency officials of both incidents.

Thank you,

Sylvia

From: Sylvia Jones
Sent: Monday, December 2, 2013 4:56 PM
To: Rebecca Cokley
Cc: Sylvia Jones
Subject: RE: Administation and Audit Meeting Minutes

Rebecca,

It was brought to my attention this afternoon that you and Jeff Rosen removed me as the audit point of contact and requested the auditor's to cease contact with me. Can you please advise me under what authority you used to remove me from the audit process as the Director of Administration. My position has a key role in the process and this act is alarming.

You also neglected to inform me of this action which demonstrates more retaliation for protected disclosures as a whistleblower and I will be reporting this action to the appropriate authorities. I'm also still awaiting a copy of the minutes.

Sylvia

From: Sylvia Jones
Sent: Monday, December 2, 2013 9:17 AM
To: Rebecca Cokley; Jonathan Kuniholm
Cc: Sylvia Jones
Subject: Administation and Audit Meeting Minutes

Rebecca/Jon,

It has come to my attention that Gary Blumenthal traveled to DC for an administration and audit meeting on November 20. As Director of Administration I was not invited to this meeting and would like a copy of the meeting minutes and Gary's travel approval.

In the meantime could please advise me the purpose of the meeting, the location and the name of the attendees.

Sylvia

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:Rcokley@ncd.gov)
To: [David Allen - WPG-C](#)
Date: 9/11/2013 6:46:18 AM
Subject: Re: aaaaaack

(b) (5)

Sent from my iPhone

On Sep 11, 2013, at 5:45 AM, "David Allen - WPG-C" <david.allen@gsa.gov> wrote:

We will get the comp into the system one way or another. Please let me know what happens, whether Stacey or someone else in the agency can

(b) (5)

Stacey asked to call me tonight to discuss the comp issue. I'll keep you posted and will email Brad tomorrow. I'm terrified about what I'm going to do without getting the comp approved. Medically I need more than 2 weeks off with pay. I'm so frustrated.

Rebecca Cokley
Executive Director
National Council on Disability
1331 F Street NW, Suite 850
Washington, DC 20004
[202-272-2124](tel:202-272-2124) Voice
[202-272-2074](tel:202-272-2074) TTY
[202-272-2022](tel:202-272-2022) Fax
Rcokley@ncd.gov
Website: <http://www.ncd.gov>

--

Dave Allen
Employee Relations Specialist
301 7th Street SW
Room 1619
Washington, DC 20407
David.Allen@GSA.gov
[202-690-9475](tel:202-690-9475)
FAX [202-205-2546](tel:202-205-2546) (Please call or email if faxing so that I can retrieve it)

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:rcokley@ncd.gov)
To: [Sylvia Jones](#)
Date: 10/21/2013 10:44:08 AM
Subject: my time
Attachments: RC leave slips_0001.pdf

Ms. Jones,

I have previously provided you with a copy of my work schedule in my revised telework plan. My approved leave requests are attached. I will continue to send leave requests once the leave is taken. I will remain on a full time work schedule, as I am currently teleworking. I will use a combination of donated, annual, and/or sick leave for any time not worked. This is not a part-time schedule.

Rebecca

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](#)
Date: 11/11/2013 2:37:50 PM
Subject: timesheet question

(b) (5)

Sent from my iPad

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:rcokley@ncd.gov)
To: [Lisa Brown-Gilmore - CPWA](#)
Date: 9/30/2013 11:50:30 AM
Subject: Global Networkers contract

I just got off the phone with our IT contractor (William) and he informed me that Ms. Jones directed him to fire (b) (6) effective today. She is the COTR on the contract but he contacted me as the Executive Director to ensure that that was in fact, our desire, which it isn't. This puts him in a slightly awkward position. What do we do?

She has yet to date mentioned any dissatisfaction with (b) (6) performance, although he did relay to me that he was verbally disciplined about informing me about her denial of my laptop last week. William has no issue with (b) (6) performance.

I told William to hold pending my guidance.

RC

Sent from my iPad

From: [Rebecca Cokley <rcokley@ncd.gov>](mailto:Rcokley@ncd.gov)
To: [David Allen - WPG-C](#)
[Lisa Brown-Gilmore - CPWA \(lisa.gilmore@gsa.gov\)](mailto:lisa.gilmore@gsa.gov)
Date: 9/18/2013 3:49:10 PM
Subject: FW: Re: NCD FY 13 Purchases

One response from a council member, I'll send you the additional ones as I get them and the CART transcript.

Rebecca Cokley
Executive Director
National Council on Disability
1331 F Street NW, Suite 850
Washington, DC 20004
202-272-2124 Voice
202-272-2074 TTY
202-272-2022 Fax
Rcokley@ncd.gov
Website: <http://www.ncd.gov>

From: Gary Blumenthal [mailto:garyblumenthal@addp.org]
Sent: Wednesday, September 18, 2013 3:47 PM
To: Rebecca Cokley; Jeff Rosen
Subject: Fwd: Re: NCD FY 13 Purchases

----- Forwarded message -----

From: "Pam Holmes" <PHolmes@ncd.gov>
Date: Sep 18, 2013 1:39 PM
Subject: Re: NCD FY 13 Purchases
To: "Gary Blumenthal" <garyblumenthal@addp.org>
Cc: "Ari Neeman" <ANeeman@ncd.gov>, "Kamilah Martin-Proctor" <KMartin-Proctor@ncd.gov>, "Jeff Rosen" <jrosen@ncd.gov>

I wanted to circle back to you on the call this morning. I found it a bit problematic and it ended so abruptly that I didn't think we had closure. It seems the exec comm already voted on actions desired. Then you had a staff member telling us what she would not do despite the Exec Comm vote. It was not a comfortable scenario by any measure.

Sent from my iPad

On Sep 18, 2013, at 7:49 AM, "Gary Blumenthal" <garyblumenthal@addp.org> wrote:

Materials for this morning's A&F Call.

Gary H. Blumenthal
President and CEO
Association of Developmental Disabilities Providers
1671 Worcester Road, Suite 201
Framingham, Massachusetts 01701
voice: [508-405-8000](tel:508-405-8000)
fax: [508-405-8001](tel:508-405-8001)
cell: [617-997-9889](tel:617-997-9889)
www.addp.org

From:

Sylvia,

I understand the difficult pressure you will be under to get this done today to meet the deadline. To the best of my knowledge this is a partial list of expenditures that the Executive Committee, Jeff and Becca have signed off on. I do believe there may be some additional expenditures from current FY 13 dollars that Jeff and Becca wish to make however I've not been able to get ahold of them today for confirmation. I am cc-ing Jeff and Becca on this email in the hope that they'll see it and respond asap.

Thank you.

Gary

1. Immediate replacement of 10 computers.....per unit cost: 1600 x 10 units = \$16,000

Vendor: Advance Computer Concept recommended by Sylvia, better cost than Nick's recommendation

2. Replace 8 monitor at \$195.....through GSA vendors 195 x 8 units = \$1560.00

3. Printers

	\$210.96 each	
4x HP P1606 DN	\$843.84	
HP Laserjet Pro 400		
BW Printer	\$285.40	
extra paper tray		\$117.96
HP Laserjet Pro 400		
Color		\$481
HP 500		\$762

4. Video Conferencing Citrix Go To Meeting \$39 x 4 meeting organizers \$2000

5. Video Editing for Lawrence Unique PC & accessories
\$3000 range

Details:

NCD IMPROVEMENT OPPORTUNITY	Inclusive photos for use on the website, publications, and infographics (photos are paid for per download and prices vary but many are \$20/each for websites)	PhotoAbility.com	FY14, FY15 - PhotoAbility.com	\$300.00
NCD IMPROVEMENT OPPORTUNITY	HD Digital Camera for film , consistent with Jeff and other Council Members' and the ED's vision for expanding our video presence; purchasing for in-house use gives us creative control over look/feel and content	Samsung.com	One-time purchase	\$499.99
NCD IMPROVEMENT OPPORTUNITY	Sync Words Video Captioning Service (50-100 hours annual package, plus gov't discount)	SyncWords.com	FY14, FY15 - Sync Words	\$139.00
NCD IMPROVEMENT OPPORTUNITY	Audio production kit (podcast studio) to pursue adding brief podcast summaries of our reports to each report landing page going forward	Behringer.com	One-time purchase	\$145.00
NCD IMPROVEMENT OPPORTUNITY	Adobe PhotoShop for use in design of infographics, homepage slides, simple covers for in-house reports, etc. (\$650/computer)	Adobe.com	One-time purchase	\$1,300.00
NCD IMPROVEMENT OPPORTUNITY	Training -- GPO Photoshop training	The Institute at GPO (Government Printing Office)	One-time purchase	\$475.00

6. One television for C SPAN
\$1000

Tech subtotals:
\$25,764.80

7. Google Driverless Car Report
add **\$15,000**

8. ADD \$80,000 to Managed Care Forums: additional forums in regions and meetings in states

The contractor is Ellen Piekalkiewicz. Julie is monitoring this contract.

And state associations (NCSL) and CSG, and others.... Add:
\$80,000

Conduct 3-6 additional regional focus groups with Disability Leadership Stakeholders on Medicaid managed care and disability related issues to the NCD strategic plan in regions

9. EEI Editing services mentioned by Anne
Sommers **\$15,000**

Sub total:
\$135,076.80

<Status of Funds as of 09_10_2013(Latest Copy).xls>

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Version: 2012.0.2242 / Virus Database: 3222/6177 - Release Date: 09/18/13